

LAND PURCHASE ACTS (IRELAND).

RETURN to an Order of the Honourable The House of Commons,
dated 16 April 1891;—for,

COPIES "of LAND PURCHASE ACTS as defined by the PURCHASE OF LAND
AND CONGESTED DISTRICTS (IRELAND) BILL."

(*Mr. Arthur Balfour.*)

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AND CONGESTED DISTRICTS (IRELAND) BILL."

IRISH LAND.

[33 & 34 VICT. CH. 46.]

PARTS II. and III.

CHAPTER 46.

AN ACT to amend the LAW relating to the OCCUPATION and OWNERSHIP of
LAND in IRELAND.

[1 August 1870.]

PART II.

Sale of Land to Tenants.

32. Subject to the restrictions hereinafter mentioned, the landlord and tenant of any holding in Ireland may agree for the sale of the holding to the tenant at such price as may be fixed between them; and upon such agreement being made they may jointly, or either of them may separately with the assent of the other, apply to the Landlord Estates Court, in this part of this Act referred to as "the Court," for the sale to the tenant of his holding.

Application to "the Court" for sale to tenant of holding.

33. No sale shall be made under this part of this Act unless the landlord is the absolute owner of the land which forms the holding of the tenant, or such tenant for life or other limited owner as is in this section mentioned.

Restrictions on sale of holding.

"Absolute owner" shall in the case of freehold land mean the owner in fee simple or in fee farm, or person capable of appointing or disposing of the fee, whether subject or not to incumbrances, and in the case of leasehold land mean the owner or person capable of disposing of the whole interest in the lease under which the land is held, whether subject or not to incumbrances.

No holding of leasehold tenure shall be sold under this part of this Act unless the lease under which the landlord is possessed of the land which forms the holding is a lease for lives or years renewable for ever, or a lease for a term of years of which not less than sixty are unexpired at the time of the sale being made; and no sale shall be made under this part of this Act by a landlord being the owner of a leasehold under a lease containing a prohibition against alienation unless such prohibition has determined or is waived.

"Tenant for life" shall, for the purposes of this part of this Act, mean any person entitled under any existing or future settlement at law or in equity for his own benefit and for the term of his own life to the possession or receipt of the rents and profit of land, whether subject or not to incumbrances in which the estate for the time being, subject to the trusts of the settlement, is an estate in fee simple or fee farm, or a lease of such duration as is in this section mentioned.

"Other limited owner" shall mean any body corporate, any trustees for charities, and any commissioners or trustees for collegiate or other public purposes, having an estate in fee simple or fee farm, or possessed of such leasehold as is in this section mentioned, whether subject or not to incumbrances.

34. The application shall be accompanied by a deposit of such sums (if any), to be deposited by the landlord by way of security for costs, as the Court may require

As to the sale of holding by the Court.

require. Upon the foregoing conditions being complied with the Court shall make such inquiries as to the circumstances of the holding in respect of which the application is made, and as to the parties interested therein, either as incumbrancers, owners, or otherwise, and as to the sufficiency of the price and of the capacity of the landlord to sell the same, as the Court may think fit, and if the Court approve of the application it shall carry such sale into effect accordingly, and execute the necessary conveyance to the tenant.

35. The conveyance by the Court under this part of this Act of a holding to a tenant shall in the case of freehold land confer on the tenant an estate in fee simple or fee farm, as the case may be, in such holding, together with all rights, privileges, and appurtenances enjoyed or reputed as belonging or appertaining thereto, subject to such charges and interests, if any, as are in this part of this Act declared not to be incumbrances, and in the case of estates in fee farm to the rents, covenants, and conditions expressed in the grant relating to the land of which the holding forms the whole or part, and on the part of the grantee, his heirs, executors, administrators, and assigns, to be paid, observed, and performed, but free from all other estates, incumbrances, and interests whatever, and shall in the case of leasehold land vest the holding in the tenant for the period, and subject to the rents, covenants, and conditions, expressed in the lease relating to the land of which the holding forms the whole or part, and on the part of the lessee, his executors, administrators, and assigns to be paid, observed, and performed, subject to such charges and interests, if any, as are in this part of this Act declared not to be incumbrances, but free from all other incumbrances and estates whatsoever.

36. The following charges and interests shall not be deemed incumbrances within the meaning of this part of this Act; that is to say,

- (1.) Quitrents and rentcharges in lieu of tithes :
- (2.) Rights of common, rights of way, watercourses, and rights of water and other easements :
- (3.) Heriots, manorial rights of all descriptions, and franchises :
- (4.) Charges for drainage, or other charges created under Act of Parliament, and to be specified in the conveyance.

And every holding sold under this part of this Act shall, unless the contrary is expressed, be deemed to be subject to such of the above charges and interests as may be for the time being subsisting thereon.

37. The Court shall determine the rights and priorities of the several persons entitled to or having charges upon or otherwise interested in any holding sold in pursuance of this Act, and shall distribute the purchase money in accordance with such rights and priorities.

Where any moneys arising from a sale under this part of this Act are not immediately distributable, or the parties entitled thereto cannot be ascertained, or where from any other cause the Court thinks it expedient for the protection of the rights of the parties interested, the Court may order the moneys to be lodged in Court or in the prescribed bank to the prescribed account, and may by its order declare the trusts affecting such moneys, so far as the Court has ascertained the same, or state the facts or matters found by it in relation to the rights and interests in such moneys; and the Court may from time to time make such orders in respect to any such moneys, and the investment or application thereof, or the payment thereof to the parties interested, as the circumstances of the case may require.

38. There shall be charged, in respect of any sale made in pursuance of this part of this Act, such percentage fee on the price paid as the Treasury may prescribe, and the fees so charged shall be paid in to the receipt of Her Majesty's Exchequer, and carried to the account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

39. Where any purchase moneys have been so lodged in Court or in the prescribed bank, provision shall be made in the prescribed manner with the sanction of the Treasury for the payment without cost to the persons entitled to any estate or interest in or having charges upon the holding so sold of any principal

principal or interest moneys to which such persons may be entitled in respect of such estate and interest: Provided that any provision so made shall not extend to any expense caused by disputed titles, or any expense incurred by the failure of any person to comply with the rules for the time being in force relating to the distribution of such purchase moneys.

40. The Court shall have full power to apportion charges, rents, and covenants, and decide all questions whatsoever, which it may be necessary to decide for the purposes of this Act, and shall not be subject to be restrained in the due execution of their powers under this Act by the order of any court.

General powers of Court in conduct of sale of land.

41. The Privy Council in Ireland may from time to time make, and when made may rescind, annul, or add to, rules with respect to the following matters:

Rules for carrying second part of this Act into effect.

- (1.) The proceedings to be had under this part of this Act:
- (2.) The circulation of forms and directions as to the mode in which this part of this Act is to be carried into execution:
- (3.) The scale of costs and fees to be charged in carrying this part of this Act into execution, and the taxation of such costs, and the persons by whom such costs and fees are to be paid, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged:
- (4.) The giving of notices to incumbrancers and other persons interested, and the service of such notices and any other matter by this part of this Act directed to be prescribed:
- (5.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this part of this Act into execution:

In framing rules under this section the Privy Council shall provide that notice of any sale to be made under this part of this Act shall be served upon every registered incumbrancer by sending it through the post in a prepaid letter addressed to such incumbrancer, and in proving service of any such notice it shall be sufficient to prove that such notice was properly directed to the incumbrancer at his last known place of abode, and that it was put in a prepaid letter into the post office.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next Session of Parliament.

PART III.

Advances by and Powers of Board.

42. Where any sums are due in respect of compensation under this Act from a landlord to a tenant who is quitting his holding, but has not been disturbed by his landlord, the Commissioners of Public Works in Ireland, in this Act referred to as the Board, may, upon the application of such landlord, advance to the tenant on behalf of the landlord the whole or such portion of the sum so due as they may think expedient, and upon no order being made to that effect by the Civil Bill Court, and upon such advance being made by the Board, such holding shall be deemed to be charged with an annuity of 5 l. for every 100 l. of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be payable within a term of 35 years.

Advances to landlords for compensation for improvements.

43. The Board may from time to time upon such security as they may approve advance such sums as they may think fit to any landlord in Ireland for the purpose of enabling him to reclaim waste lands; and where any land-

Advances to landlords for improvement of waste lands.

lord has contracted for the sale of any waste land the Board may advance upon security jointly given by the vendor and purchaser such sums as they may think fit, not exceeding a moiety of the purchase money contracted to be paid; and such waste lands, and any other lands included in any such security, shall, upon an order being made to that effect by the Civil Bill Court, and upon such advance being made by the Board, be deemed to be charged with an annuity of 5 l. for every 100 l. of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be repayable within a period of 35 years.

Advances to tenants
for purchase of
holdings.

44. The Board, if they are satisfied with the security, may advance to any tenant for the purpose of purchasing his holding in pursuance of this Act any sum not exceeding two-thirds of the price of such holding, and upon an order being made by the Civil Bill Court to that effect, and upon such advance being made by the Board, such holding shall be deemed to be charged with an annuity of 5 l. for every 100 l. of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be repayable in the term of 35 years.

No purchaser, or person deriving title through him, of any holding to whom any advance has been made under this section shall, without the consent of the Board, alienate, assign, subdivide, or sublet his holding during such time as any part of the annuity charged on such holding remains unpaid, and any part of such holding alienated, assigned, subdivided, or sublet in contravention of this section shall be forfeited to the Board, to be held by them for public purposes.

Advances to tenants
for purchase of
holdings in Landed
Estates Court.

45. Where an absolute order for the sale of any estate has been made by the Landed Estates Court, and the tenant of any holding forming part of such estate is desirous to purchase such holding, he may apply to the Board in the prescribed manner to advance any sum not exceeding two-thirds of the amount he may pay for the purchase of the same, and the Board may, subject to such conditions as to the price to be paid for such holding, and to any matter relating to such purchase, as they think fit, agree with such tenant to make such advance.

When any such tenant has been declared the purchaser of a holding, and has paid one-third or any greater part of the purchase money, the Board may pay the balance of such purchase money instead of such tenant, and upon such payment being made by the Board the Landed Estates Court shall by order declare such holding to be charged with an annuity of 5 l. for every 100 l. of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be repayable in the term of 35 years.

Any holding charged by order of the Landed Estates Court in manner aforesaid shall not, without the consent of the Board, be alienated, assigned, subdivided, or sublet during such time as any part of the annuity charged on such holding remains unpaid, and any part of such holding alienated, assigned, subdivided, or sublet in contravention of this section shall be forfeited to the Board, to be held by them for public purposes.

Landed Estates
Court to afford
facilities for
purchasers by
occupying tenants.

46. The Landed Estates Court shall on the sale of estates by said Court, so far as is consistent with the interest of the persons interested in the estates or the purchase money thereof, afford, by the formation of lots for sale or otherwise, all reasonable facilities to occupying tenants desirous of purchasing their holdings under the provisions of this Act, and for that purpose shall hear any application in that behalf made by the Board or any such occupying tenant.

Advances to
facilitate purchase
of entire estates.

47. Where the landlord of an estate is willing to contract for the sale under the second part of this Act of his estate in its entirety but not in part, and the tenants of the holdings comprising four-fifths in value of such estate are willing to purchase their holdings, and other purchasers can be found to buy the residue of such estate, and to pay one-half of the purchase money payable in respect of such residue, such sale may be made accordingly under the second part of this Act in the same manner as if the whole of the purchasers of the estate were tenants of the landlord, and the Board may advance to such other purchasers one-half of their purchase money upon the security of the residue of the estate, and such advance may, at the discretion of the Board, be made

to

to such purchasers collectively on the security of the whole of the residue of such estate, or to such purchasers severally on the security of the portions bought by them respectively, or partly in one way and partly in the other. Where any advance is made to purchasers or a purchaser under this section, the land bought by such purchaser or purchasers shall, on an order made to that effect by the Civil Bill Court, be charged with an annuity of 5 l. for every 100 l. of such advance, and so in proportion for any less sum, such annuity to be limited in favour of the Board, and to be declared to be repayable within the term of 35 years.

48. Every annuity created in favour of the Board in pursuance of this Act shall be a charge on the land subject thereto having priority over all existing and future estates, interests, and incumbrances, with the exception of quitrents and other charges incident to the tenure, to rentcharges in lieu of tithes, and any charges created under any Act authorising advance of public money, or under any Act creating charges in respect of improvements on lands, and passed before this Act, with the exception also (in cases where the lands are subject to a fee farm rent, or held under a lease reserving rent) of such fee-farm rent or rent reserved as aforesaid. The term during which every such annuity shall be payable shall be computed from the date of the advance in respect of which the same shall be charged, and every such annuity shall be payable in equal half-yearly payments on every 1st day of May and every 1st day of November during the said term of 35 years, with such apportionment, if any, as may be necessary in respect of the first and last of such payments.

Advances charged on estates by way of annuity.

49. Every annuity created in pursuance of this Act shall be recoverable by the Board or by or in the name of the Attorney-General for Ireland in manner in which rentcharges in lieu of tithes are recoverable in Ireland; a certificate purporting to be under the hand of a member for the time being of the Board shall be evidence that the amount of any annuity or arrears of annuity stated therein to be due under this Act from any person named therein is due to the Board from such person.

Recovery of annuity.

50. No arrears of any annuity charged on land in pursuance of this Act shall be recoverable after the expiration of two years from the date at which the sum in arrear became due; and as between owners having successive interests in any land so charged it shall be the duty of the owner for the time being in possession or in receipt of the rents and profits of such land to prevent such arrears arising, and if he make default in doing so, and the owner next entitled in possession pay any arrears caused by such default, the amount so paid shall be a debt due to the owner who has paid the same from the owner by whose default it became necessary to make such payment.

Arrears of annuity.

51. Where any land is charged with an annuity in favour of the Board, it shall be lawful for any person liable to pay such annuity to redeem the said annuity, or so much thereof as may at any time remain unexpired, by payment to the Board of a sum of money equivalent to the then value of the said annuity, such value to be calculated according to the table in the schedule annexed hereto.

Power of owner to redeem annuity.

52. Where any person is entitled to receive any principal moneys in pursuance of the sale of any holding made by them in pursuance of this Act, the Board may, on the application of such person, commute such principal moneys for the payment of an annuity of equivalent value, the value of money being reckoned at 3 l. 10 s. per cent. per annum; and where any such person as aforesaid is entitled to the payment of a sum annually, the Board may commute the same for the payment of a principal sum of equivalent value, the value of money being reckoned at 3 l. 10 s. per cent. per annum.

Power of Board to commute and commutation.

The Board may also, with the assent of the claimant, compromise by the payment of any principal or annual sum any postponed contingent or doubtful or other claim of any person to any share or interest in the purchase money arising from the sale of any holding under this Act.

53. The Board shall in making advances, in the mode of investing and dealing with the funds that come into their possession, and in the mode of accounting for the same, and generally in the performance of their duties under

Control of Board; by Treasury, &c.

this Act, conform to any directions, whether given on special occasions or by general rule or otherwise, which may from time to time be given to them by the Treasury, and shall report within such time and in such manner as the Treasury may direct to the Treasury all matters which may be transacted by the Board.

54. There shall be issued to the Board for the purposes of this Act, at such times and in such sums and in such manner as the Treasury may determine, any sums of money not exceeding in the whole 1,000,000 £, and the Treasury may from time to time issue to the said Board the said sum of 1,000,000 £ out of the Consolidated Fund or the growing produce thereof.

55. All repayments to the Board of principal sums or by way of annuities in respect of advances made by them shall from time to time be paid back to the Consolidated Fund in such manner as the Treasury may direct.

56. The Civil Bill Court shall, on the application of any person entitled to an annuity by this Act directed to be charged by order of the Civil Court, make an order charging the same accordingly, and the clerk of the peace of the county in which such Court has jurisdiction shall keep an alphabetical registry in his office of all charging orders so made by the Court, and shall allow any person to inspect the same at all reasonable times on the payment of 1 s.

For the purpose of making charging orders in respect of any holding the Civil Bill Court of the county in which such holding or any part thereof is situate shall be deemed to have jurisdiction over such holding

LANDLORD AND TENANT (IRELAND) ACT (1870) AMENDMENT.

[35 & 36 VICT. CH. 32.]

CHAPTER 32.

AN ACT to explain and amend the LANDLORD AND TENANT (IRELAND) ACT, 1870, so far as relates to the purchase by TENANTS of their HOLDINGS.

[18th July 1872.]

WHEREAS it is expedient to amend the Landlord and Tenant (Ireland) Act, 1870, in this Act called "the principal Act," so far as relates to the purchase by tenants of their holdings:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The following regulations shall be enacted with respect to purchases of their holdings by tenants:

(1.) Every application under the principal Act made by a tenant to the Board for an advance for the purchase of his holding may be made before or after such tenant has entered into any agreement for the purchase or has been declared the purchaser of the holding in respect of which such advance is required, and the Board may agree to advance to such tenant any sum not exceeding two-third parts of the value of such holding as assessed by the Board:

(2.) Where any sale of his holding is made to a tenant in pursuance of the principal Act, by or through the medium of the Landed Estates Court, that Court, and not the Civil Bill Court, shall have power to charge the annuity authorised to be charged by the principal Act, in favour of the Board, in respect of advances by the Board; and the 44th and 47th Sections of the principal Act shall be amended accordingly by the substitution therein of the expression "Landed Estates Court" for the expression "Civil Bill Court:"

(3.) Notwithstanding

(3.) Notwithstanding the sale to a tenant by his landlord of his holding may not have been made in or through the medium of the Landed Estates Court, the Board may, if satisfied of the value of the security, agree to advance to such tenant for the purpose of purchasing his holding any sum not exceeding two-third parts of the value of such holding, as assessed by the Board, and may take as security for the repayment of such advance a charge on such holding of an annuity of the same duration and amount as would have been charged thereon if the sale had been made in the Landed Estates Court; but no such advance shall be actually paid to the tenant until the Board are satisfied with the title of the tenant, and have taken from him a charge on the holding in such form and with such powers of sale and covenants for payment as the Board may be advised will effectually secure the annuity charged in their favour, and with the like powers for the recovery of such annuity as are contained in the principal Act in respect to the recovery of annuities under the said Act:

(4.) If while any holding is charged with the payment of an annuity to the Board under the principal Act and this Act, any part of such holding is let to agricultural labourers *bona fide* required for the cultivation of such holding, for cottages or gardens not exceeding half an acre in each case, such letting shall not be deemed to be nor shall the same be a cause of forfeiture.

2. In every case in which an advance shall be made after the passing of this Act for the purchase of a holding under the provisions of this or the principal Act, notwithstanding the provisions as to forfeiture in the said principal Act contained, the Board shall have power to sell the holding or any part thereof, and to convey the same to a purchaser, in the event of such holding, or any part thereof, having been alienated, assigned, subdivided, or sublet without the consent of the Board while any portion of the annuity remained unpaid; and the Board may sell the said holding, or any part thereof, by public auction, due notice being given by the Board of the time, place, terms, and conditions of such sale; and the Board shall apply the proceeds derived from such sale in the first instance to the payment of all moneys due on foot of such annuity, and in redemption of so much of the said annuity as shall at the time of such sale remain charged on said holding, and of all costs and expenses incurred by the said Board in relation to such sale, or otherwise in respect of such holding, and shall pay the balance to the person entitled by law to receive the same.

In certain cases where advances made for purchase of a holding, notwithstanding forfeiture, Board may proceed to a sale.

3. This Act shall be construed as one with the principal Act, and may be cited for all purposes as the Landlord and Tenant (Ireland) Act, 1872.

Short title and construction of Act.

LAND LAW (IRELAND) ACT, 1881.

[44 & 45 VICT. CH. 49.]

PARTS V., VI. and VII.

CHAPTER 49.

AN ACT to further amend the Law relating to the Occupation and Ownership of LAND in IRELAND, and for other purposes relating thereto.

[22nd August 1881.]

PART V.

ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND,
AND EMIGRATION.*Acquisition of Land by Tenants.*

Advances to tenants
by Commission for
purchase of holdings.

24.—(1.) The Land Commission, out of moneys in their hands, may, if satisfied with the security, advance sums to tenants for the purpose of enabling them to purchase their holdings, as follows, that is to say,—

(a.) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the payment of a principal sum,

the Land Commission may advance to the tenant for the purposes of such purchase any sum not exceeding three-fourths of the said principal sum.

(b.) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the tenant paying a fine and engaging to pay to the landlord a fee-farm rent,

the Land Commission may advance to the tenant for the purposes of such purchase, any sum not exceeding one-half of the fine payable to the landlord.

Provided that no advance shall be made by the Land Commission under this section on a holding subject to a fee-farm rent, where the amount of such fee-farm rent exceeds 75 per cent. of the rent which, in the opinion of the Land Commission, would be a fair rent for the holding.

(2.) Sales by landlords to tenants may on the application of either landlord or tenant be negotiated and completed through the medium of the Land Commission at a fixed price or percentage, according to a scale to be settled from time to time by the Land Commission with the consent of the Treasury.

(3.) Where an estate is subject to incumbrances, or any doubt arises as to the title, the Land Commission, if satisfied with the indemnity or terms given by the landlord, may themselves indemnify the tenant against any such incumbrances, or any right, title, or interest adverse to or in derogation of the title of the landlord, and any such indemnity of the Land Commission shall be a charge upon the Consolidated Fund or the growing produce thereof.

25. A landlord of a holding, being a limited owner as defined by the 26th section of the Landlord and Tenant (Ireland) Act, 1870, may by agreement, subject to the provisions of the Lands Clauses Consolidation Acts (except so much of the same as relates to the purchase of lands otherwise than by agreement), sell and convey such holding to the tenant, and may exercise to the same extent as if he were an absolute owner the power of permitting any sum not exceeding one-fourth in amount of the price which the tenant may pay as purchase-money, to remain as a charge upon such holding secured by a mortgage, and in case of any advance being made by the Land Commission under the provisions of this Act to the tenant for the purchase of such holding any such

Power to limited
owner to sell
holding and leave
one-fourth of price
of holding as
mortgage.

such mortgage shall be subject to any charge in favour of the Land Commission for securing such advance; and any such mortgage and the principal moneys secured thereby shall be deemed to be part of the purchase-money or compensation payable in respect of the purchase of such holding, and shall be dealt with accordingly in manner provided by the Lands Clauses Consolidation Acts; and in the construction of the said Acts for the purposes of this section the expression "the special Act" shall be construed to mean this Act, and the expression "the promoters of the undertaking" shall be construed to mean the tenant.

26.—(1.) Any estate may be purchased by the Land Commission for the purpose of reselling to the tenants of the lands comprised in such estate their respective holdings, if the Land Commission are satisfied with the expediency of the purchase, and are further satisfied that a competent number of the tenants are able and willing to purchase their holdings from the Land Commission.

Purchase of estates by Commission and resale in parcels to tenants.

(2.) The sale by the Land Commission of a holding to the tenant thereof may be made either in consideration of a principal sum being paid as the whole price (whether paid immediately or by means of such advance as in this part of this Act mentioned) or in consideration of a fine and of a fee-farm rent, with this qualification that the amount of the fee-farm rent shall not exceed 75 per cent. of the rent which in the opinion of the Land Commission would be a fair rent for the holding.

(3.) For the purposes of this section a competent number of tenants means a body of tenants who are not less in number than three-fourths of the whole number of tenants on the estate, and who pay in rent not less than two-thirds of the whole rent of the estate, and of whom a number, comprising not less than one-half of the whole number of tenants on the estate, are able and willing to pay the whole price of their holdings, either immediately or by means of such advances as in this part of this Act mentioned.

The condition as to three-fourths of the number of tenants may be relaxed on special grounds with the consent of the Lords Commissioners of the Treasury, but so that in no case less than half the number of tenants shall be able and willing to purchase.

(4.) The Land Commission may advance to a tenant proposing to pay the whole price of his holding any sum not exceeding 75 per cent. of the said price, and to a tenant purchasing subject to a fee-farm rent a sum not exceeding one-half of the amount of the fine payable by the tenant.

(5.) In sales by the Land Commission to tenants in pursuance of this section, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price or fine payable by the purchaser.

The Land Commission may, if they are satisfied with the indemnity or terms offered or given by the vendor, purchase for the purposes of this section an estate subject to incumbrances, or an estate subject to any right, title, or interest, adverse to or in derogation of the title of the vendor, and the Land Commission may indemnify any person to whom they may sell any holding under this section against any such incumbrances or the enforcement of any such right, title, or interest, and such indemnity shall be a charge on the Consolidated Fund or the growing produce thereof.

27. Where the Land Commission have purchased an estate, they may sell any parcels which they do not sell to the tenants thereof in such manner as they think fit, in consideration either of a principal sum as the whole price, or of a fine and a fee-farm rent, or partly in one way and partly in the other.

Sale to public of parcels not purchased by tenants.

The Land Commission may advance to any purchaser of a parcel under this section, on the security of such parcel, one-half of the principal sum paid as the whole price or of the fine.

The provisions of this part of this Act with respect to the charges for expenses and to the mode in which sales are to be made and to the indemnity which the Land Commission may give to the purchaser shall, except so far as the Land Commission otherwise direct, apply to the sale of a parcel in pursuance of this section in like manner as if the purchaser had been the tenant of the holding at the time of his making the purchase.

28.—(1.) Any advance made by the Land Commission for the purpose of supplying money for the purchase of a holding from a landlord or of a holding

Terms of repayment of advances made by Commission.

or parcel from the Land Commission, shall be repaid by an annuity in favour of the Land Commission for 35 years of 5 l. for every 100 l. of such advance, and so in proportion for any less sum.

(2.) Every such advance shall be secured to the Commission either in such manner as may be agreed on between the Commission and the person to whom the advance is made, and as the Commission think sufficient, or in manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, in like manner in all respects as if the same were such an advance as is mentioned in those Acts, and as if the Land Commission were the Board therein mentioned, and as if the person receiving the advance were a tenant or purchaser therein mentioned.

(3.) Any person liable to pay an annuity in this section mentioned may redeem the same, or any part thereof, or may prepay any instalments thereof in such manner and on such terms as is provided by Section 51 of the Landlord and Tenant (Ireland) Act, 1870, or in such other manner, and on such other terms, as the Treasury may from time to time approve, having regard to the due repayment of the loan and the protection of the Land Commission against loss by the said loan.

29.—(1.) The Land Commission shall not purchase a leasehold estate under this part of this Act, unless the lease is for lives or years renewable for ever, or is for a term of years of which not less than sixty are unexpired at the time when the sale is made, or unless the Land Commission have purchased some greater right or interest in the estate in which the leasehold would be merged:

Provided that—

(a.) This part of this Act shall not empower the owner of a leasehold holding under a lease containing a prohibition against alienation to sell such leasehold unless such prohibition is determined or is waived: and

(b.) Nothing in this section shall prevent the purchase of an estate by reason only of a small part thereof being leasehold.

(2.) Any body corporate, public company, trustees for charities, commissioners or trustees for collegiate or other public purposes, or any person having a limited interest in an estate or any right or interest therein, may sell the same to the Land Commission, and for the purpose of the purchase by the Land Commission of any estate or any right or interest therein the Lands Clauses Consolidation Acts (except so much as relates to the purchase of land otherwise than by agreement) shall be incorporated with this Act, and in construing those Acts for the purposes of this section, the "special Act" shall be construed to mean this Act, and "the promoters of the undertaking" shall be construed to mean the Land Commission, and "land" shall be construed to include any right or interest in land.

(3.) For the purpose of this Act "The Lands Clauses Consolidation Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860.

(4.) Any sale of a holding to a tenant by a landlord, also any sale to a tenant of a holding by the Land Commission in pursuance of this part of this Act, may be made either in pursuance of Part II. of the Landlord and Tenant (Ireland) Act, 1870, or in such manner as the Land Commission may think expedient; and for the purpose of the application of the said Part II., "price" in Section 32 of the Landlord and Tenant (Ireland) Act, 1870, shall be deemed to include a fine and a *ter-farm* rent as well as a principal sum, and the enactments relating to the distribution of the price shall apply with the necessary modifications.

30. (1.) As between the Land Commission and the proprietor for the time being of any holding for the purchase of which the Land Commission have advanced money in pursuance of this part of this Act, the following conditions shall be imposed so long as such holding is subject to any charge in respect of an annuity in favour of the Land Commission; that is to say,

(a.) The holding shall not be subdivided or let by such proprietor without the consent

83 & 34 Vict. c. 48,
85 & 36 Vict. c. 32.

Provision as to
purchases and sales
by Land Commission.

8 & 9 Vict. c. 18,
20 & 24 Vict. c. 106.

Conditions annexed
to holdings whilst
subject to advances.

consent of the Land Commission until the whole charge due to the Land Commission has been repaid :

- (b.) Where the proprietor subdivides or lets any holding or part of a holding in contravention of the foregoing provisions of this section, the Land Commission may cause the holding to be sold :
- (c.) Where the title to the holding is divested from the proprietor by bankruptcy, the Land Commission may cause the holding to be sold :
- (d.) Where, on the decease of the proprietor, the holding would by reason of any devise, bequest, intestacy, or otherwise, become sub-divided, the Land Commission may require the holding to be sold within 12 months after the death of the proprietor, to some one person, and if default is made in selling the same, the Land Commission may cause the same to be sold.

(2.) The Land Commission may cause any holding which under this section they can cause to be sold, or any part of such holding, to be sold by public auction or private contract, and subject to any conditions of sale they may think expedient, and after such notice of the time, place, terms, and conditions of such sale, as they think just and expedient ; and the Land Commission may convey such holding to the purchaser in like manner in all respects as if the holding had been vested in the Land Commission.

(3.) The Land Commission shall apply the proceeds derived from such sale in payment, in the first instance, of all moneys due to them in respect of the holding, and in redemption on the terms specified in section 51 of the Landlord and Tenant (Ireland) Act, 1870, of any annuity charged on the said holding, in favour of the Commission, or of so much thereof as remains unpaid, and of all expenses incurred by the Land Commission in relation to such sale or otherwise with respect to the holding, and shall pay the balance to the persons appearing to the Land Commission to be for the time being entitled to receive the same.

Provided, that in respect of any holding which is subject to any charge in respect of an annuity in favour of the Board of Works, created in pursuance of the Landlord and Tenant (Ireland) Act, 1870, the said Board may, if they shall see fit, at any time during the continuance of such charge, upon the application of the person for the time being liable to pay the same, declare such holding to be subject to the conditions imposed by this Act on a holding subject to any charge in respect of an annuity in favour of the Land Commission ; and thenceforth so much of the 44th and 45th sections of the said Landlord and Tenant (Ireland) Act, 1870, as prohibits, without the consent of the Board, the alienation, assignment, sub-division, or sub-letting of a holding charged as in the said section mentioned, and declares that in the event of such prohibition being contravened, the holding shall be forfeited to the Board, and also so much of Section 2 of the Landlord and Tenant (Ireland) Act, 1872, as relates to the sale of holdings in lieu of forfeiture, shall, as to the holding in respect of which such a declaration has been made, be repealed, and the conditions imposed by this Act on a holding subject to any charge in respect of an annuity in favour of the Land Commission shall apply to the holding in respect whereof the said declaration has been made in the same manner as if the said conditions had been made applicable to the said last-mentioned holding by the said Acts of 1870 and 1872, and the said Board had thereby been authorised to enforce the said conditions.

Reclamation of Land, and Emigration.

31. (1.) The Treasury may authorise the Board of Works to advance from time to time out of any moneys in their hands to companies, if they are satisfied with the security, such sums as the Treasury think expedient for the purpose of the reclamation or improvement of waste or uncultivated land or foreshores, drainage of land, or for building of labourers' dwellings, or any other works of agricultural improvement.

Reclamation of land.

(2.) The Treasury may authorise the Board of Works to make advances for like purposes to an occupier of land, when satisfied that the tenancy or other security

security which he may have to offer is such as to insure repayment of principal and interest within such number of years as the Treasury may fix, or when the landlord joins the occupier in giving such security.

Any advance to an occupier under this sub-section shall be subject to the provisions of the Landed Property Improvement (Ireland) Acts, so far as the Treasury may declare the same to be applicable, and shall have priority over all charges and incumbrances whatever upon the tenancy of such occupier, except rent, unless the landlord is a party to the advance, and agrees to postpone the rent to it; but before such advance is made one month's previous notice thereof shall be given in a newspaper circulating in the district within which the said holding is situated, and in such manner as the Board of Works may prescribe; and such advance shall not have priority over any charge or incumbrance of which the Board of Works may have had notice in writing given them before making the advance.

(3.) The Board of Works shall not make to any company in pursuance of this section any advances exceeding in the whole the sums which such company may, within such period as may be determined by the Board of Works, have advanced or expended out of their own moneys for some one of the purposes of this section, nor any advances without proper security that those advances shall be expended for such purposes as aforesaid in addition to the sums advanced or expended by the company out of their own moneys.

(4.) Advances made by the Board of Works to a company in pursuance of this section shall be made repayable within such periods and at such rate of interest as are set forth in a minute of the Treasury made on the 16th day of August, 1879, with reference to loans to which Section 2 of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section, and save as regards such periods and rate of interest the enactments relating to loans made by the Board of Works for the like purposes to those above in this section mentioned shall, so far as is consistent with this section, apply in like manner as if an advance under this section were a loan made in pursuance of those enactments.

42 & 43 Vict. c. 77.

Emigration.

32. The Land Commission may from time to time, with the concurrence of the Treasury, and on being satisfied that a sufficient number of people in any district desire to emigrate, enter into agreements with any person or persons having authority to contract on behalf of any state or colony or public body or public company with whose constitution and security the Land Commission may be satisfied, for the advance by the Commission by way of loan, out of the moneys in their hands, of such sums as the Commission may think it desirable to expend in assisting emigration especially of families and from the poorer and more thickly populated districts of Ireland. Such agreements shall contain such provisions relative to the mode of the application of the loans and the securing and repayment thereof to the Commission, and for securing the satisfactory shipment, transport, and reception of the emigrants, and for other purposes, as the Commission with the concurrence of the Treasury approve. Such loans shall be made repayable within the periods and at the rate of interest within and at which advances by the Board of Works for the purpose of the reclamation or improvement of land are directed by this Act to be made repayable: Provided always, that there shall not be expended by virtue of the authority hereby given a greater sum than 200,000 *l.* in all, nor a greater sum than one-third part thereof in any single year.

Supplemental Provisions.

Supply of money to
Land Commission
for purposes of Act.
40 & 41 Vict. c. 27.

33. The Treasury may from time to time, as they think fit, issue the sums required for advances or purchases of estates by the Land Commission under this part of this Act not exceeding the sums annually granted by Parliament for the purpose; and Sections 12, 13, 14, and 15 of the Public Works Loans (Ireland) Act, 1877, shall apply in like manner as if they were herein enacted, with the substitution of "Land Commission" for "the Commissioners of Public Works," and as if the said sums required by the Land Commission were the loans in the said sections mentioned.

34. (1.) The

34. (1.) The Land Commission before buying any estate shall reasonably satisfy themselves that a resale can be effected without loss.

Proceedings of
Commission.

(2.) The Land Commission upon purchasing any estate shall certify to the Treasury that they are satisfied with the matters of which they are by this section, or by any other provision of this part of this Act, required to be satisfied before such purchase, and such certificate shall be conclusive evidence to any purchaser that they were so satisfied and that the purchase was made in accordance with this Act.

(3.) An advance made by the Land Commission to a purchaser of a holding or of any parcel of land, in respect of any one purchase by him under this Act, whether from the landlord or from the Land Commission, shall not exceed 3,000 £, unless the Commission report to the Treasury that by reason of special circumstances they deem it expedient to make an advance not exceeding 5,000 £, in which case they may make such advance with the approval of the Treasury.

(4.) The Land Commission shall, from time to time, by sale by auction, or in such other manner as may be allowed by the Treasury, dispose of all fee-farm rents for the time being vested in them.

(5.) The Land Commission shall in purchasing estates, in making advances, in dealing with the funds that come into their possession, and in accounting for the same, and generally in the performance of their duties under this part of this Act, conform to any directions, whether given on special occasions or by general rule or otherwise, which may from time to time be given to them by the Treasury, and shall from time to time report as the Treasury may direct all matters which may be transacted by the Land Commission.

(6.) All sums received by the Commission as repayments of any advance, and all sums received by the Commission for fees, percentages, rents, or otherwise shall, except so far as they may be applied under directions from the Treasury in payment of expenses, be paid into the Exchequer.

35. All powers exercisable by the Board of Works under the Landlord and Tenant (Ireland) Act, 1870, and the Landlord and Tenant (Ireland) Act, 1872, in relation to the purchase by tenants of their holdings shall, after the passing of this Act, and subject to the provisions of this Act, be transferred to and may be exercised by the Land Commission, and the said Acts and any enactments amending the same so far as they relate to the matter aforesaid shall be construed as if the Land Commission were substituted for the Board: Provided that this section shall not affect or interfere with any of the powers of the Board of Works in relation to any transactions which are completed before the passing of this Act or which the Board declare are being carried into effect at the passing of this Act.

Transfer of purchase powers of Board of Works to Land Commission.

36. In fixing the purchase moneys, fines, rents, fees, percentages, and other sums to be charged or made payable to the Land Commission in respect of transactions under this part of this Act care shall be taken to fix the same in such manner as to make the amount resulting therefrom, as nearly as can be estimated, not less than the amount required to defray the expenses.

Rule as to fixing percentages, purchase moneys, &c.

PART VI.

COURT AND LAND COMMISSION.

Description of Court and Proceedings.

37. (1.) The expression "the Court" as used in this Act shall mean the Civil Bill Court of the county where the matter requiring the cognizance of the court arises.

Court to mean Civil Bill Court.

(2.) Where a matter requiring the cognizance of the court arises in respect of a holding situate within the jurisdiction of more than one Civil Bill Court,

any Civil Bill Court within the jurisdiction of which any part of the holding is situate may take cognizance of the matter.

(3.) Any proceedings which might be instituted before the Civil Bill Court may, at the election of the person taking such proceedings, be instituted before the Land Commission, and thereupon the Land Commission shall, as respects such proceedings, be deemed to be the Court.

(4.) Where proceedings have been commenced in the Civil Bill Court any party thereto may, within the prescribed period, apply to the Land Commission to transfer such proceedings from the Civil Bill Court to the Land Commission; and thereupon the Land Commission may order the same to be transferred accordingly.

(5.) The Court shall have jurisdiction in respect of all disputes between landlords and tenants arising under this Act.

(6.) In determining any question relating to a holding, the Court may direct an independent valuer to report to the Court his opinion on any matter the Court may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the Court to form a judgment as to the subject-matter of such report. The Court may or may not, as it thinks fit, adopt the report of such valuer, and it may make such order with respect to the costs incurred in respect of such report as it thinks just.

38. There shall be incorporated with this Act the following provisions of the Landlord and Tenant (Ireland) Act, 1870, as if the purposes therein referred to included the purposes of this Act; that is to say,

- (1.) Section 23, relating to the powers of the judge of the Civil Bill Court; and Section 25, relating to the Court of Arbitration;
- (2.) Section 40, relating to the apportionment of rents, and in that section rents shall include any rent payable to the Crown;
- (3.) Section 59, relating to administration on death of tenant;
- (4.) Section 60, containing provisions as to married women;
- (5.) Section 61, containing provisions as to other persons under disability;
- (6.) Section 62, relating to additional sittings of Civil Bill Court;
- (7.) Section 64, relating to power to appoint a substitute in Civil Bill Court if judge cannot attend.

39. There shall be paid, out of moneys to be provided by Parliament, to clerks of the peace appointed to their office before the 14th day of August 1877, and who have not accepted any permanent office under the County Officers and Courts (Ireland) Act, 1877, and also to clerks of the Crown and peace who, under the provisions of the sixteenth section of the said Act have elected to continue to practise as solicitors, such annual sums, by way of remuneration for any additional duties imposed on them by this Act, as the Lord Lieutenant, with the consent of the Treasury, may direct.

Notwithstanding the conditions imposed by any other Act upon the grant of a pension to a County Court judge, it shall be lawful for the Lord Lieutenant, with the concurrence of the Lord Chancellor and of the Treasury, at any time before the 1st day of January 1884, to grant to any County Court judge now entitled to practise at the bar who shall show to the satisfaction of the Lord Lieutenant and the Treasury that the discharge of the additional duties imposed on him by this Act would deprive him of professional emoluments which, if this Act had not been passed, he would have received, such special retiring pension, not exceeding two-thirds of his salary, as having regard to the circumstances of each case, shall appear to the Lord Lieutenant and the Treasury to be reasonable.

Arbitration.

40. Any matter capable of being determined by the Court under this Act, may, if the parties so agree, be decided by arbitration, and an arbitration shall be

Incorporation of certain provisions of 33 & 34 Viet. c. 46.

Exceptional provisions for certain officers, 40 & 41 Viet. c. 38.

Reference to arbitration.

be conducted by the Court of Arbitration in manner provided by the Landlord and Tenant (Ireland) Act, 1870, and where the amount of rent is decided by arbitration, such rent shall for the purposes of this Act be deemed to be the judicial rent.

Appointment and Proceedings of Land Commission.

41. A Land Commission shall be constituted under this Act consisting of a Judicial Commissioner and two other Commissioners. Constitution of Land Commission.

The Judicial Commissioner, and every successor in his office, shall be a person who at the date of his appointment is a practising barrister at the Irish bar of not less than ten years standing.

The Judicial Commissioner for the time being shall forthwith on his appointment become an additional judge of the Supreme Court of Judicature in Ireland, with the same rank, salary, tenure of office, and right to retiring pension as if he had been appointed a puisne judge of one of the common law divisions of the High Court of Justice.

He may be required by order of the Lord Lieutenant in Council to perform any duties which a judge of the said Supreme Court of Judicature is by law required to perform; but, unless so required, he shall not be bound to perform any of such duties.

The first Judicial Commissioner shall be Mr. Serjeant O'Hagan.

If any vacancy occurs in the office of the Judicial Commissioner by death, resignation, incapacity, or otherwise, Her Majesty may, by warrant under the Royal Sign Manual, appoint some other qualified person to fill the vacancy.

The two Commissioners, other than the Judicial Commissioner, shall respectively hold their offices for seven years next succeeding the passing of this Act.

If during the said period of seven years a vacancy occurs in the office of any of such other Commissioners by death, resignation, incapacity, or otherwise, Her Majesty may by warrant under the Royal Sign Manual appoint some other fit person to fill such vacancy, but the person so appointed shall hold his office only until the expiration of the said period of seven years.

The first Commissioners, other than the Judicial Commissioner, shall be Mr. Edward Falconer Litton and Mr. John E. Vernon.

42. The Land Commission under this Act shall be a body corporate, with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled "The Irish Land Commission." Incorporation of Commission.

Judicial notice shall be taken by all courts of justice of the corporate seal of the Land Commission, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

43. The Lord Lieutenant may from time to time, with the consent of the Treasury as to number, appoint and by Order in Council remove Assistant Commissioners, who shall have the prescribed qualifications and hold office for the prescribed times. Appointment of Assistant Commissioners.

The Central Office of the Land Commission shall be in Dublin, but they may hold sittings in any other part of Ireland.

The Land Commission may form Sub-Commissions in any province, particular district or districts of Ireland, and such Sub-Commissions shall consist of such number of the said Assistant Commissioners or of a Commissioner and one or more Assistant Commissioners as the Land Commission may think fit, and the Land Commission may delegate to any Sub-Commission such of the powers, except as to appeals, by this Act conferred upon the Land Commission, as they think expedient, and may from time to time revoke, alter, or modify any powers so delegated to a Sub-Commission.

44. Any power or act by this Act vested in or authorised to be done by the Land Commission, except the power of hearing appeals, may be exercised or done by any one member of the Land Commission or by any Sub-Commission, with this qualification, that any person aggrieved by any order of one Commissioner, or by any order of a Sub-Commission, may require his case to be reheard by all three Commissioners sitting together, except in the case of the illness or unavoidable absence of any one Commissioner, when any such case may be Quorum of Commission.

be heard by two Commissioners sitting together ; provided that neither of such two Commissioners be the Commissioner before whom the case was originally heard.

45. The Land Commission may from time to time, with the consent of the Lord Lieutenant, appoint and remove a solicitor and a secretary, and such officers, agents, clerks, and messengers as they, with the consent of the Treasury, and subject to such regulations as the Treasury may from time to time prescribe, deem necessary for the purposes of this Act.

They may also, with the consent of the Treasury, employ such actuaries, surveyors, and other persons as they may think fit for the purpose of enabling the Land Commission to carry into effect any of the provisions of this Act.

46. There shall be paid to each of the Commissioners, other than the Judicial Commissioner, a salary not exceeding 3,000 *l.* a year, and to the Assistant Commissioners, secretary, officers, and other persons above mentioned such salaries or remuneration as the Lord Lieutenant may, with the consent of the Treasury, determine.

The salaries of the Commissioners, other than the Judicial Commissioner and of the Assistant Commissioners, and of all persons employed by the Land Commission, and all expenses incurred by the Land Commission in carrying into effect this Act, not otherwise provided for, shall be paid out of moneys provided by Parliament.

47. Any person aggrieved by the decision of any Civil Bill Court with respect to the determination of any matter under this Act or under the Landlord and Tenant (Ireland) Act, 1870, may appeal to the Land Commission, and such Commission may confirm, modify, or reverse the decision of the Civil Bill Court. All appeals to the Land Commission under this Act shall be heard by all three Commissioners sitting together, except in the case of illness or unavoidable absence of any one Commissioner, when any appeal may be heard by two Commissioners sitting together, one of whom shall be the Judicial Commissioner.

The Land Commission may determine any appeal in Dublin or may proceed to any place or places in Ireland for the purpose of from time to time determining the same.

The 24th Section of the Landlord and Tenant (Ireland) Act, 1870, is hereby repealed. All appeals under the said section pending at the time of the passing of this Act are hereby transferred to the Land Commission; and all further proceedings thereon shall be taken in the prescribed manner.

48.—(1.) For the purposes of this Act the Land Commission shall have full power and jurisdiction to hear and determine all matters, whether of law or fact, and shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

(2.) The Land Commission may of its own motion, or shall on the application of any party to any proceeding pending before it, unless it considers such application frivolous and vexatious, state a case in respect of any question of law arising in such proceedings, and refer the same for the consideration and decision of Her Majesty's Court of Appeal in Ireland.

The Land Commission may also, in case it thinks fit, permit any party aggrieved by the decision of the Land Commission in any proceedings to appeal in respect of any matter arising in such proceedings to Her Majesty's Court of Appeal in Ireland; provided that no appeal from the Land Commission to the Court of Appeal in Ireland shall be permitted in respect of any matter arising under Part V. of this Act, or in respect of any decision as to the amount of fair rent, or any question of value or of damages, or any matter left in the discretion of the Land Commission.

The decision of the said Court of Appeal on any such question so referred to it shall be final and conclusive.

(3.) The Land Commission with respect to the following matters; that is to say,

(a.) Enforcing the attendance of witnesses (after a tender of their expenses),
the

the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents; and

- (b.) Issuing any commission for the examination of witnesses; and
- (c.) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the Land Commission or any of them sitting in open court; and
- (d.) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act;

shall have all such powers, rights, and privileges as are vested in the Chancery Division of the High Court of Justice in Ireland for such or the like purposes, and all proceedings before the Land Commission shall in law be deemed to be judicial proceedings before a court of record.

(4.) In determining any question relating to a holding, the Commission may direct an independent valuer to report to it his opinion on any matter the Commission may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the Commission to form a judgment as to the subject-matter of such report. The Commission may or may not, as it thinks fit, adopt the report of such valuer, and it may make any such order with respect to the costs incurred in respect of such report as it thinks just.

(5.) The Land Commission may review and rescind or vary any order or decision previously made by them, or any of them; but save as by this Act provided every order or decision of the said Commission shall be final: Provided always, that any order or decision made by three members of the Land Commission shall not be reviewed, rescinded, or varied, except by three members of the Land Commission.

Nothing in this section shall authorise the Land Commission to determine any question or to exercise any power of a judge in relation to any purchase of an estate by them, or to the purchase of a holding through the medium of the Land Commission.

49. Where the Land Commission or any Sub-Commission hold sittings elsewhere than in Dublin, such Land Commission or Sub-Commission may use the court-houses commonly used for civil bill purposes or for the holdings of courts of petty sessions, and the officers of the civil bill courts shall, in the prescribed manner and at the prescribed times, be bound to attend the sittings of the said Land Commission and sub-Commissions, and to perform analogous duties to those which they perform in the case of a sitting of the civil bill court.

Power for Land Commission and Sub-Commissions to employ officers and servants of civil bill court.

50.—(1.) The Land Commission shall from time to time circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when made may rescind, amend, or add to, rules with respect to the following matters, or any of them:—

Rules for carrying Act into effect.

- (a.) The proceedings on the occasion of sales under this Act:
- (b.) The proceedings on the occasion of applications to fix judicial rents under this Act and the withdrawal of such applications:
- (c.) The proceedings in the civil bill court under this Act:
- (d.) The consolidation of cases and the joinder of parties:
- (e.) The security (if any) to be given by applicants to, or persons dealing with, the Commission:
- (f.) The proceedings in appeals under this Act:
- (g.) The proceedings in respect of cases stated for the decision of Her Majesty's Court of Appeal in Ireland under this Act:
- (h.) The proceedings on the occasion of applications for transfer of cases from the civil bill court to the Land Commission under this Act:
- (i.) The qualifications and tenure of office of Assistant Commissioners:

(j.) The forms to be used for the purposes of this Act :

(k.) The scale of costs and fees to be charged in carrying this Act into execution, and the taxation of such costs and fees, and the persons by or from whom and the manner in which such costs and charges are to be paid or deducted, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged :

(l.) The attendance and discharge of duties by the officers of the civil bill courts before the Land Commission and Sub-Commissions when holding sittings under this Act :

(m.) The mode in which consents on the part of the Land Commission or of any landlord, tenant, or other person may be signified under this Act :

(n.) The service of notices on mortgagees and persons interested, and any other matter by this Act, or any part of any Act incorporated herewith, directed to be prescribed :

(o.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to the Land Commission expedient to make rules for the purpose of carrying this Act or any part of any Act incorporated herewith into effect.

(2.) Any rules made in pursuance of this section shall be judicially noticed in all courts of Her Majesty's dominions.

(3.) Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next Session of Parliament; and if an Address is presented to Her Majesty by either House of Parliament within the next subsequent one hundred days on which the said House shall have sat praying that any such rule may be annulled, Her Majesty may thereupon by Order in Council annul the same, and the rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(4.) The Public Offices Fees Act, 1879, shall apply to fees payable under this Act.

51. The making of rules and orders prescribing and regulating the mode of service of civil bill processes in ejectment, and for recovery of rent, is hereby declared to be within the provisions of the seventy-ninth section of the County Officers and Courts (Ireland) Act, 1877: and notwithstanding any other enactment, the service of such processes in the manner prescribed by such rules or orders shall be valid and sufficient.

Whenever an action for the recovery of rent not exceeding 20 *l.* or for the recovery of land, whether for nonpayment of rent or for overholding, is brought in the High Court of Justice in Ireland, in any case in which the plaintiff in such action could have sued for the recovery of such rent or land in a civil bill court, the plaintiff in such action shall not be entitled to any costs, unless the judge before whom such action is tried, or the divisional court to which such action is attached, shall by order declare the said plaintiff entitled to costs.

52. Subject to rules made under this Act, it shall be lawful for the party to any proceeding before the Land Commission or any Sub-Commission, or with the leave of such Commission or Sub-Commission, for the father or husband of such party, or for a solicitor of the Supreme Court of Judicature in Ireland (but not a solicitor retained as an advocate by such first-mentioned solicitor), or for a barrister retained by or on behalf of such party and instructed by his or her solicitor, but without any right of exclusive audience or pre-audience, to appear and address such Commission or Sub-Commission and conduct the case subject to such rules and regulations as may be from time to time prescribed.

53. No person being a member of the Land Commission other than the Judicial Commissioner, or being an Assistant Commissioner or employed by the Land Commission,

42 & 43 Vict. c. 58.

Service of civil bill
processes and
limitation of costs.
40 & 41 Vict. c. 56.

Appearance of
party before Com-
mission and Sub-
Commission.

Exemption of Land
Commission not to
create vested
interests.

Commission, shall by reason of such membership or employment acquire any right to compensation, superannuation, or other allowance on abolition of office or otherwise.

54. No person being a member of, or holding office under, the Land Commission, or being an Assistant Commissioner, shall, during the time that he holds his office, be capable of being elected a member of or sitting in the Commons House of Parliament. Disqualification for seat in Parliament.

55. The Land Commission shall once in every year after the year 1881 make a report to the Lord Lieutenant as to their proceedings under this Act, and every such report shall be presented to Parliament. Annual report by Land Commission.

56. The Land Commission shall from time to time prepare in such form and at such times as the Treasury from time to time direct accounts of their receipts and expenditure, and within six months after the expiration of the year to which the accounts relate the Land Commission shall transmit the same to the Controller and Auditor General to be audited, certified, and reported upon in conformity with the regulations from time to time made by the Treasury for that purpose, and the accounts, with the reports of the Controller and Auditor General thereon, shall be laid before the House of Commons not later than three months after the date on which they were transmitted for audit if Parliament be then sitting, and if not sitting, within 14 days after Parliament next assembles. Audit of accounts of Land Commission.

Provided, that the regulations made by the Treasury under this section shall be laid before the House of Commons within one month of the date thereof, if Parliament be then sitting, and if not, then within 14 days after Parliament next assembles, and that such regulations shall not have effect until they have lain for 30 days upon the Table of the House.

PART VII.

DEFINITIONS, APPLICATION OF ACT, AND SAVINGS.

57. In the construction of this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the context repugnant thereto; that is to say, Definitions.

"Lord Lieutenant" includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being;

"Treasury" means the Commissioners of Her Majesty's Treasury;

"Board of Works" means the Commissioners of Public Works in Ireland;

"County" includes a riding of a county;

"Contract of tenancy" means a letting or agreement for the letting of land for a term of years or for lives, or for lives and years, or from year to year;

"Tenant" means a person occupying land under a contract of tenancy, and includes the successors in title to a tenant;

Where the tenant sub-lets part of his holding with the consent of his landlord he shall, notwithstanding such sub-letting, be deemed for the purposes of this Act to be still in occupation of the holding.

"Landlord" means the immediate landlord or the person for the time being entitled to receive the rents and profits, or take possession of the land held by his tenant, and includes the successors in title to a landlord;

"Holding" during the continuance of a tenancy means a parcel of land held by a tenant of a landlord for the same term and under the same contract of tenancy, and, upon the determination of such tenancy, means the same parcel of land discharged from the tenancy;

"Tenancy" means the interest in a holding of a tenant and his successors in title during the continuance of a tenancy; and "rent of a tenancy" means the rent for the time being payable by such tenant or some one or more of his successors;

"Present tenancy" means a tenancy subsisting at the time of the passing of this Act, or created before the 1st day of January 1883 in a holding in which

which a tenancy was subsisting at the time of the passing of this Act, and every tenancy to which this Act applies shall be deemed to be a present tenancy until the contrary is proved.

- "Future tenancy" means, except as aforesaid, a tenancy beginning after the passing of this Act :
- "Ordinary tenancy" means a tenancy to which this Act applies, and which is not a tenancy subject to statutory conditions, or a judicial lease, or a fixed tenancy :
- "Sale," "sell," and cognate words, include alienation, and alienate, with or without valuable consideration :
- "Ejectment" includes action for recovery of land :
- "An estate" means any lands which the Land Commission may by order declare fit to be purchased as a separate estate for the purposes of this Act :
- "Prescribed" means prescribed by rules made in pursuance of this Act ;
- "Landed Property Improvement (Ireland) Acts" means the Act of the Session of the 10th and 11th years of the reign of Her present Majesty, chapter 32, intitled, "An Act to facilitate the Improvement of Landed Property in Ireland," and any Acts amending or extending the same.

Any words or expressions in this Act which are not hereby defined, and are defined in the Landlord and Tenant (Ireland) Act, 1870, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the last-mentioned Act, and the Landlord and Tenant (Ireland) Act, 1870, except in so far as the same is expressly altered or varied by this Act or is inconsistent therewith, and this Act shall be construed together as one Act.

Tenancies to which the Act does not apply.

58. This Act, with the exception of so much thereof as amends the Landlord and Tenant (Ireland) Act, 1870, in respect of compensation for improvements, and with the exception of Part V. of this Act, shall not apply to tenancies in—

- (1.) Any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral ; or
- (2.) Any demesne land, or any land being or forming part of a home farm or any holding ordinarily termed "town parks" adjoining or near to any city or town which bears an increased value as accommodation land over and above the ordinary letting value of land occupied as a farm, and is in the occupation of a person living in such city or town, or the suburbs thereof ; or
- (3.) Any holding let to be used wholly or mainly for the purpose of pasture, and valued under the Acts relating to the valuation of property at an annual value of not less than 50 l. ; or
- (4.) Any holding let to be used wholly or mainly for the purposes of pasture, the tenant of which does not actually reside on the same, unless such holding adjoins or is ordinarily used with the holding on which such tenant actually resides ; or
- (5.) Any holding which the tenant holds by reason of his being a hired labourer or hired servant ; or
- (6.) Any letting in consacre or for the purposes of agistment or for temporary depasturage ; or
- (7.) Any holding let to the tenant during his continuance in any office, appointment, or employment, or for the temporary convenience or to meet a temporary necessity either of the landlord or tenant : Provided that any such letting made after the passing of this Act shall be by contract in writing, which shall express the purpose for which such letting is made ;
- (8.) Any cottage allotment not exceeding a half of an acre ;
- (9.) Any "glebe" as defined by the Act of 38 & 39 Viet. c. 42, which now is, or hereafter shall be, held or occupied by any "ecclesiastical persons"

persons " as by the same Act defined, and no such ecclesiastical person shall in respect of such glebe be entitled to make any claim for compensation under any of the provisions of the Landlord and Tenant (Ireland) Act, 1870, or of this Act.

59. Where it appears to the court, on the joint application of the landlord and tenant of any holding valued under the Acts relating to the valuation of rateable property in Ireland at a sum not exceeding 30 £. a year—

Arrears of rent here dealt with.

That the tenant has paid the whole (or such sum as the landlord may be willing to accept as the equivalent of the whole) of the rent payable in respect of the year of the tenancy expiring on the gale day next before the passing of this Act, and that antecedent arrears are due, the Land Commission may make, in respect of such antecedent arrears, an advance of a sum not exceeding one year's rent of the holding, and not exceeding half the antecedent arrears, and thereupon the court shall by order declare the holding to be charged with the repayment of the advance to the Land Commission, by a rentcharge payable half-yearly during the 15 years from the date specified in the order, and calculated at the rate of 8 £. 10 s. a year for every 100 £. of the advance.

Whenever in the case of any tenant evicted for non-payment of rent since the 1st day of May 1880, the landlord agrees to reinstate such tenant on the terms in this section set forth, this section shall apply as if such tenant had not been so evicted from his holding.

The charge declared by the order as aforesaid, shall have priority over all charges affecting the holding except quit-rent and Crown-rent and sums payable to the Commissioners of Public Works or the Commissioners of Church Temporalities in Ireland, and the landlord for the time being of the holding shall pay to the Land Commission the sum for the time being due on account of such rentcharge.

Every half-yearly amount of such rentcharge shall be deemed to be an addition to the half-year's rent of the holding (whether a judicial rent or otherwise) due from the tenant to the landlord, and may be recovered by the landlord accordingly.

On the order of the court being made as aforesaid in relation to any holding, all arrears of rent due in respect of that holding on or prior to the gale day next before the passing of this Act shall be deemed to be absolutely released.

The landlord and tenant may agree that any rent paid by the tenant during the twelve months immediately preceding the passing of this Act shall be deemed, for the purposes of this section, to have been paid in respect of the rent due for the then current year, and not in respect of arrears of rent.

Where arrears of rent in respect of a holding are due to some person or persons besides the landlord, the advance made by the Land Commission under this section shall be rateably distributed by the court amongst the persons entitled thereto.

An application for an advance under this section shall not be made after the 28th day of February 1882.

The omission or refusal by either landlord or tenant of any holding to join with the other of them in obtaining a loan from the Land Commission under this section shall not prejudice any other application or proceeding which either of them may make or institute under this Act, or the Landlord and Tenant (Ireland) Act, 1870, in relation to the holding.

The Land Commission may make advances for the purpose of this section out of any moneys for the time being in their hands for the purposes of this Act.

The Land Commission shall at such time after the expiration of each period of twelve months, as the Treasury may from time to time appoint, make up an account showing for the said period of twelve months the amount of all such payments due to them in respect of rent-charges payable to them under this section as they have failed to recover at the expiration of the same period (in this section referred to as payments in arrear), and the Commissioners of Church Temporalities in Ireland shall, out of any moneys at their disposal, pay to the Land Commission any sums appearing from such account to be due to the Land Commission. Any such payment by the Commissioners of Church

Temporalities

Temporalities in Ireland shall not discharge any person indebted to the Land Commission in respect of any payments in arrear, and it shall be the duty of the Land Commission to take any proceedings they may be advised for the recovery of payments in arrear, and to repay to the Commissioners of Church Temporalities in Ireland any sums so recovered.

Saving in case of inability to make immediate application to court.

60. Any application which a tenant is authorised by this Act to make to the court shall, if made to the court on the first occasion on which it sits after the passing of this Act have the same operation as if it had been made on the day on which this Act comes into force; and any order made upon such application shall be of the same effect as if it had been made on the day on which this Act comes into force, unless the court otherwise directs: and the person by whom such application is made shall, if the court thinks just, be in the same position, and have the same rights in respect of his tenancy as he would have been in, and would have had if the application had been made on the day on which this Act comes into force.

Application of Act.

61. This Act shall not apply to England or Scotland.

Short title of Act.

62. This Act may be cited for all purposes as the Land Law (Ireland) Act, 1881.

TRAMWAYS AND PUBLIC COMPANIES (IRELAND).

[46 & 47 VICT. CH. 43.]

CHAPTER 43.

AN ACT for promoting the extension of Tramway Communication in IRELAND, and for assisting Emigration, and for extending certain Provisions of the Land Law (Ireland) Act, 1881, to the case of Public Companies.

[25th August 1883.]

PART II.

EMIGRATION, AND PURCHASE OF LANDS BY PUBLIC COMPANIES.

Emigration.

12. In the 20th section of the Arrears of Rent (Ireland) Act, 1882, enabling grants to be made in aid of emigration, the sum of 200,000 £. shall be substituted for the sum of 100,000 £., and the sum of 8 £. shall be substituted for the sum of 5 £. in any cases in which the Lord Lieutenant shall so direct.

Provided that, to an extent not exceeding 50,000 £., the moneys to be hereafter granted by the Commissioners of Public Works under the said section may be applied for the purpose of paying for or assisting in the removal of persons or families from districts or places within the unions referred to in the said section to other places in Ireland, whether within such unions or not, and their settlement there, or for other purposes incidental to such removal and settlement. Such grants shall only be made on the recommendation of the Lord Lieutenant, and on such terms as he may approve.

Advances by Land Commission.

13.—(1.) The Treasury may authorise the Irish Land Commission to advance from time to time to any public company with whose constitution the Land Commission are satisfied, hereinafter referred to as a public company, out of moneys to be provided by Parliament, if the Land Commission approve of the security and the expediency of the purchase, such sums as the Treasury think fit for aiding such company to purchase estates for the purpose of reselling to the tenants of the lands comprised in such estates their respective holdings, or for the purpose of assisting in the removal thereto of persons and families, as provided by the preceding sections of this Act.

Such advances, where the estate or estates are purchased solely for the purpose

purpose of re-sale to the tenants, shall only be made when the Land Commission are satisfied that a competent number of the tenants on the estates proposed to be purchased are able and willing to purchase their holdings from the company.

(2) When a company to whom an advance has been made under this section has purchased an estate, they shall, so far as concerns the re-sale of their holdings to the tenants thereon, deal with it in the same manner in which it is provided in Part V. of the Land Law (Ireland) Act, 1881, that the Land Commission shall deal with estates purchased by them for the purpose of re-selling to the tenants of the lands comprised in such estates their respective holdings.

(3) The sale by the company of a holding to the tenant thereof may be made either in consideration of a principal sum being paid as the whole price or in consideration of a fine and of a fee-farm rent, with this qualification, that the amount of the fee-farm rent shall not exceed 75 per cent. of the rent which in the opinion of the Land Commission would be a fair rent for the holding.

(4) For the purposes of this section a competent number of tenants means a body of tenants who are not less in number than three-fourths of the whole number of tenants on the estate, and who pay in rent not less than two-thirds of the whole rent of the estate, and of whom a number, comprising not less than one-half of the whole number of tenants on the estate, are able and willing to pay the whole price of their holdings, either immediately or by means of such advances as in this part of this Act mentioned.

The condition as to three-fourths of the number of tenants may be relaxed on special grounds with the consent of the Treasury, and on the recommendation of the Lord Lieutenant.

(5) The Land Commission may advance to a tenant proposing to pay the whole price of his holding any sum not exceeding 75 per cent. of the said price, and to a tenant purchasing subject to a fee-farm rent a sum not exceeding one-half of the amount of the fine payable by the tenant.

(6) In sales by a company to tenants in pursuance of this section, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price or fine payable by the purchaser.

14. Where a public company have purchased an estate, they may sell any parcels which they do not sell to the tenants thereof in such manner as they think fit, in consideration either of a principal sum as the whole price, or of a fine and a fee-farm rent, or partly in one way and partly in the other.

Sale to public of parcels not purchased by tenants.

The Land Commission may advance to any purchaser of a parcel under this section, on the security of such parcel, one-half of the principal sum paid as the whole price or of the fine.

The provisions of this part of this Act with respect to the charges for expenses and to the mode in which sales are to be made shall apply to the sale of a parcel in pursuance of this section in like manner as if the purchaser had been the tenant of the holding at the time of his making the purchase.

15. (1.) Any advance made by the Land Commission for the purpose of supplying money for the purchase of a holding or parcel from a public company shall be repaid by an annuity in favour of the Land Commission for 35 years of 5 l. for every 100 l. of such advance, and so in proportion for any less sum.

Terms of repayment of advances made by Commission.

(2.) Every such advance shall be secured to the Commission either in such manner as may be agreed on between the Commission and the person to whom the advance is made, and as the Commission think sufficient, or in manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, in like manner in all respects as if the same were such an advance as is mentioned in those Acts, and as if the Land Commission were the Board therein mentioned, and as if the person receiving the advance were a tenant or purchaser therein mentioned.

Provided always, that where any such advance is secured in the manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended

*37 & 38 Vict. c. 48.
33 & 34 Vict. c. 32.*

amended by the Landlord and Tenant (Ireland) Act, 1872, the first half-yearly payment of the annuity shall, where the advance is not made on one of the gale days (namely, the 1st day of May or the 1st day of November), be due and paid on the second of such gale days after the date of the advance; and together with such first half-yearly payment there shall be due and paid an additional sum for interest on the advance at the rate of 3½ per cent. per annum from the date of the advance until the first gale day next after that date.

(3.) Any person liable to pay an annuity in this section mentioned may redeem the same, or any part thereof, or may prepay any instalments thereof in such manner and on such terms as is provided by Section 51 of the Landlord and Tenant (Ireland) Act, 1870, or in such other manner, and on such other terms, as the Treasury may from time to time approve, having regard to the due repayment of the loan and the protection of the Land Commission against loss by the said loan.

Provision as to
purchases and sales
by a company.

16. (1.) A public company to whom an advance is made under this Act shall not purchase a leasehold estate for the purposes of this Act, unless the lease is for lives or years renewable for ever, or is for a term of years of which not less than 60 are unexpired at the time when the sale is made, or unless the company have purchased some greater right or interest in the estate in which the leasehold would be merged:

Provided that—

(a) This part of this Act shall not empower the owner of a leasehold holding under a lease containing a prohibition against alienation to sell such leasehold unless such prohibition is determined or is waived; and

(b) Nothing in this section shall prevent the purchase of an estate by rens only of a small part thereof being leasehold.

(2.) Any sale of a holding to a tenant by a company in pursuance of this part of this Act, may be made either in pursuance of Part II. of the Landlord and Tenant (Ireland) Act, 1870, or in such manner as the Land Commission may think expedient; and for the purpose of the application of the said Part II., "price" in Section 32 of the Landlord and Tenant (Ireland) Act, 1870, shall be deemed to include a fine and a fee-farm rent as well as a principal sum, and the enactments relating to the distribution of the price shall apply with the necessary modifications.

Application of
certain provisions
of the Land Law
(Ireland) Act,
1881.

17. (1.) Section 30 of the Land Law (Ireland) Act, 1881, shall apply to all holdings for the purchase of which advances have been made by the Land Commission to a tenant pursuant to this part of this Act.

(2.) Section 33 of the said Act, relative to the supply of money by the Treasury, shall be extended and shall apply to the supplying of money for the purpose of advances by the Land Commission under this part of this Act as fully as it applies to the advances mentioned in that section.

Price of holding
may be fixed by
arbitration.

18. When an estate has been purchased by a public company to whom an advance has been made by the Land Commission under this Act, and any difference arises between such company and the tenant of any holding comprised in such estate relative to the sale of such holding to such tenant, either as to price or as to any other term of the contract, the difference shall, if the tenant so requires, be referred to the Land Commission, whose decision thereon shall be binding upon the company and the tenant.

Terms of repayment
of advances to
companies.

19. Advances made by the Land Commission to a public company in pursuance of this Act shall be made repayable within such periods and at such rate of interest as are set forth in a minute of the Treasury made on the 16th day of August, 1879, with reference to loans, to which Section 2 of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section.

The security for the repayment of such advances shall be in such form, and shall contain such conditions for obliging the company duly to carry out the purposes specified in this Act as to sales to tenants and otherwise, as the Land Commission may consider proper.

All contracts of sale by a public company to a tenant or other person pursuant to this Act shall be submitted to and shall be subject to the approval of the Land Commission.

If the Land Commission so direct, the purchase money payable by a tenant or other purchaser to a public company shall be paid to the Land Commission, and credited to the company as against any money for the time being owing by the company to the Land Commission.

If the Land Commission so direct, any rentcharge, annuity, or instalments on account of purchase money payable by a tenant or other purchaser to a public company, shall be reserved and made payable to the Land Commission, and all sums received by the Land Commission on account thereof shall be credited against any sums owing by the company to the Land Commission on account of rentcharge, purchase money, or otherwise.

So soon as all sums owing by a public company to the Land Commission shall have been paid and discharged, the Land Commission shall by order direct that such rentcharge, annuities, and instalments as last mentioned remaining unpaid, shall forthwith vest in and become payable to the said public company or its assigns, and the same shall then so vest and become payable accordingly.

20. The planting of trees shall be included amongst the purposes for which money may be advanced by the Board of Works under the 31st section of the Land Law (Ireland) Act, 1881.

Amendment of Sect. 31 of Land Act.

21. The conditions and limitations contained in Sub-section 3 of the 31st section of the Land Law (Ireland) Act, 1881, may be modified or dispensed with by the Board of Works, with the consent of the Treasury, in any special cases in which the Lord Lieutenant may for special reasons, to be stated under his hand, recommend that it is proper so to do.

Power to modify in certain cases conditions and limitations in Sub-section 3 of 31st section of Land Law (Ireland) Act, 1881, by Board of Works under recommendation of Lord Lieutenant.

PURCHASE OF LAND (IRELAND) ACT, 1885.

[48 & 49 VICT. CH. 73.]

CHAPTER 73.

AN ACT to provide greater facilities for the Sale of LAND to occupying Tenants in IRELAND.

[14th August 1885.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Purchase of Land (Ireland) Act, 1885. Short title.

Advances by the Land Commission.

2. For enabling tenants to purchase their holdings, either from the Land Commission or from the landlords of such holdings, the Land Commission may make advances under this Act out of any funds at their disposal.

Advances to tenants under this Act.

With respect to advances under this Act, the provisions of Part V. of the Land Law (Ireland) Act, 1881, shall be amended as follows ; that is to say,

- (a.) The Land Commission may, if the repayment of the advance is secured by a deposit under this Act (hereinafter referred to as a guarantee deposit), and if the Land Commission are satisfied with the security in other respects, make an advance to a tenant who is purchasing his holding of the whole principal sum or price payable by the tenant, instead of the three-fourths thereof mentioned in Part V. of the Land Law (Ireland) Act, 1881.

44 & 45 Vict. c. 43.

(b.) In making advances under this Act the Land Commission shall prefer applications for the purchase of holdings upon which the tenants reside, or which are reasonable adjuncts to holdings upon which such tenants reside.

(c.) It shall not be lawful for the Land Commission to make advances under this Act exceeding in all the sum of 5,000,000 £.

Deposit of money as
guarantee fund.

3. Any person willing to secure the repayment of an advance made by the Land Commission to a tenant who is purchasing his holding either from the Land Commission or from the landlord of such holding may deposit with the Land Commission such sum, as a guarantee deposit, not being less than one-fifth of the advance, as may be agreed on between him and the Land Commission.

If the person willing to secure the repayment of such advance is a landlord entitled to be paid by the Land Commission, or out of moneys provided by the Land Commission, any sum for the purchase money of any land sold by him, he may provide such guarantee deposit by permitting the Land Commission to retain the same out of such sum so payable for purchase money.

The Land Commission shall pay interest on the guarantee deposit at the rate of 3 per cent. per annum.

Subject to the other provisions of this Act, the Land Commission shall retain the guarantee deposit until they ascertain and by order declare that the person liable for the repayment of the advance has repaid on account of principal money a sum equal to the guarantee deposit, and shall then pay over the guarantee deposit to the person entitled thereto.

If at any time during the period for which the Land Commission are authorised to retain the guarantee deposit any sum due to the Land Commission in respect of an advance secured by a guarantee deposit under this Act is declared by them, by order, to be an irrecoverable debt, the Land Commission may apply the guarantee deposit in discharge or reduction of such irrecoverable debt.

Such order shall not be made, unless the Land Commission, having exercised any power of sale of the holding which they legally may exercise, have failed to realise by means of such sale the sum due to them secured on the holding, or unless it appears by the order of the Land Commission that they have attempted to exercise such power of sale and have been unable to do so.

Whenever it appears by such order that the Land Commission have attempted to exercise their power of sale and have been unable to do so, and the Land Commission thereupon apply a guarantee deposit or any part of it in discharge or reduction of any sum charged upon a holding, it shall be lawful for the Land Commission, by order, to declare that the interest in the holding of the person liable to pay such sum shall be charged in favour of the person entitled to the guarantee deposit with the amount of the guarantee deposit, or so much thereof as has been so applied by the Land Commission as aforesaid, with interest thereon at the rate of 3 per centum per annum until such charge is realised.

Trustees entitled to receive the purchase money produced by the sale of any settled land may, and shall if required by the tenant for life of the settled land, or the person having the powers of a tenant for life within the meaning of the Settled Land Act, 1882, secure, by a guarantee deposit, the repayment of an advance made for the purchase of any holding being or forming part of such settled land, and may apply or permit the Land Commission to retain so much of the purchase money as the trustees or such tenant for life or other person may think fit for that purpose.

Terms of repayment
of advances.
22 & 34 Vict. c. 48.
44 & 45 Vict. c. 40.
46 & 47 Vict. c. 40.

4. With respect to advances to be made under this Act, or to be made under the Landlord and Tenant (Ireland) Act, 1870, or the Land Law (Ireland) Act, 1881, and also with respect to advances to be made to tenants under Part II. of the Tramways and Public Companies (Ireland) Act, 1883, the provisions of Part V. of the Land Law (Ireland) Act, 1881, shall be amended as follows:

(a.) Every such advance shall be repaid by an annuity in favour of the Land Commission for 49 years, of 4 £ for every 100 £ of such advance, and

so in proportion for any less sum, instead of by the annuity mentioned in the said Act.

(b.) Every such annuity, or any portion of it at any time outstanding, may be redeemed in whole or in part by the person liable to pay such annuity, by payment to the Land Commission of a sum equivalent to the then value of such annuity or of such portion of it as is sought to be redeemed; such value to be calculated according to the table in the schedule to this Act.

(c.) The repayment of every advance under this Act shall be secured to the Land Commission by deed. It shall be the duty of the Land Commission to exercise the power conferred upon mortgagees by the 1st sub-section of the 19th section of the Conveyancing and Law of Property Act, 1881, or any power for the same purpose contained in such deed.

44 & 45 Vict. c. 42.

(d.) Subject to the amendments contained in this Act, the provisions of Part V. of the said Act shall apply to all advances under this Act.

Where a holding is sold by the land judges to the tenant of that holding, the sale may, for the purpose of advances under this Act, and of guarantee deposits under this Act, be deemed to be a sale by a landlord to a tenant.

Sales of Land.

5. The Irish Land Commission, if they have reasonably satisfied themselves that a re-sale can be effected without loss, may purchase any estate for the purpose of reselling to the tenants of the lands comprised in such estate their respective holdings, and may purchase any holding for the purpose of reselling it to the tenant thereof. Provided that such purchase of an estate shall only be made if the Land Commission are reasonably satisfied that holdings to the extent of not less than four-fifths in value and number of the estate will be purchased by the tenants thereof. This condition may be relaxed on special grounds with the consent of the Treasury, but so that in all cases the Land Commission are reasonably satisfied that holdings to the extent of not less than three-fourths in value and number of the estate will be purchased by the tenants thereof, and in every such transaction of the purchase of an estate the Land Commission shall retain not less than one-fifth of the purchase money to satisfy the purpose of a guarantee deposit as defined by Section 3 of this Act.

Purchase of estates and holdings.

The tenant of any holding may purchase such holding, and before or after completing the agreement for such purchase may apply to the Land Commission for an advance.

If the vendor of such estate or holding is a tenant for life, or has the powers of a tenant for life, and the land proposed to be sold is settled land, within the meaning of those expressions as used in the Settled Land Act, 1882, he shall have all the powers conferred upon tenants for life under that Act, subject to the amendments thereof herein contained, and to the other provisions of this Act; and the purchase money arising from such sale may be invested or applied as if it were capital money arising under the said Act.

45 & 46 Vict. c. 38.

6. Where a landlord of a holding is a tenant for life, or has the powers of a tenant for life within the meaning of those expressions as used in the Settled Land Act, 1882, and is selling such holding to the tenant thereof, he may exercise, to the same extent as if he were an absolute owner, the power of permitting any sum not exceeding one-fourth of the purchase money to remain as a charge upon such holding secured by a mortgage; and in case any advance is made by the Land Commission to the tenant for the purchase of such holding, any such mortgage shall be subject to any charge in favour of the Land Commission for securing such advance; and any such mortgage shall be deemed to be part of the purchase money payable in respect of such holding, and the money secured thereby when paid shall be dealt with as if it were capital money arising under the Settled Land Act, 1882, or purchase money otherwise payable under this Act.

Power to tenant for life to leave part of purchase money outstanding, 45 & 46 Vict. c. 38.

This section shall apply to the trustees of any settlement in the same manner as it applies to a tenant for life.

Sale of residues.

7. Where the Land Commission have purchased an estate, they may sell any parcels which they cannot sell to the tenants thereof, in such manner as they think fit.

The Land Commission may advance to any purchaser of a parcel under this section, on the security of such parcel, one half of the principal sum paid as the price.

Subject to that limitation on the amount of the advance, all the provisions of this Act relative to sales and advances to tenants by the Land Commission shall apply to the sale of a parcel in pursuance of this section in like manner as if the parcel had been a holding and the purchaser had been tenant thereof at the time of his making his purchase.

Vesting order in lieu of conveyance.

8. When a holding has been sold by the Land Commission to a tenant or other person, also when a holding has been sold by a landlord to a tenant, and it has been agreed between the Land Commission and the landlord and the tenant that such sale shall be carried into effect by means of a vesting order of the Land Commission under this Act, it shall be lawful for the Land Commission, if they think fit, after due investigation of title and being satisfied therewith, to make an order under their seal and signed by a Commissioner vesting the holding, or the interest of any person or of the Land Commission in such holding, in the purchaser, freed from all charges if the vesting order so declares, or subject to such charges as may be specified in such order; or, if the vesting order so declares, subject to such charges as may lawfully affect such holding.

Every order purporting to vest a holding or interest in a purchaser which purports to be made by the Land Commission in exercise of the powers conferred on them by this Act shall be binding upon all persons claiming any estate or interest in the land comprised in the holding, including Her Majesty, her heirs and successors, and shall be as effectual in all respects, save as hereinafter provided, as if it were a conveyance or assignment executed by one of the Land Judges of the Chancery Division of the High Court of Justice in Ireland under the Landed Estates Court Act: Provided, that where the purchaser of a holding is also tenant of the holding the interest vested in him by such order shall, subject to any charges, rights, or easements set out in the order, be deemed to be a graft upon the previous interest of the tenant in the holding, and be subject to any rights or equities arising from its being such graft.

The enactments of this section, relative to the operation and effect of a vesting order purporting to vest a holding, shall apply to an order purporting to vest an interest in a holding, so far as relates to such interest.

Charges and rights subject to which the sale may be made.

9. (1) The Land Commission may, if they think fit, declare by their order that the sale of any holding is made subject—

- (a) to any chief rent or fee-farm rent payable out of the lands comprised in the holding,
- (b) to any annuity charged upon the holding in favour of the Land Commission,
- (c) to any other mortgage or charge which the Land Commission may think fit should remain thereon.

(2) The Land Commission may, if they think fit, after due and sufficient inquiry, declare by their order that the sale is made subject to any rights of common, rights of way, or other rights or easements which the Land Commission find to affect such holding; and in that case the rights and easements so declared shall be the only rights or easements affecting the holding; or they may abstain from making any such declaration, and in that case the holding shall be deemed to be sold subject to such rights of common, rights of way, and other rights or easements as may lawfully affect the same.

(3) The provisions of the 62nd section of the Landed Estates Court Act relative to tithes, rentcharge, quit rent, Crown rent, and charges in favour of the Commissioners of Public Works not being prejudiced or affected by the conveyances therein mentioned, and relative to the redemption of such quit rent, Crown rent, and charges, and relative to the notice to be given to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, shall apply to vesting orders under this Act.

(4.) Where

(4.) Where the land comprised in any holding is subject to any mortgage, incumbrance, or charge, the Land Commission shall, before sanctioning or completing the sale of such holding, give such notice to the mortgagee, incumbrancer, or person interested as may be prescribed by rules of the Land Commission.

(5.) In the case of a sale by a landlord to a tenant, where it is agreed that the sale shall be carried into effect by a vesting order of the Land Commission, such vesting order may, notwithstanding anything hereinbefore contained, be made at any time after the application for such vesting order has been made to the court, and same may be made though the landlord is only tenant for life, or has the powers of a tenant for life, and whether or not the holding, either solely or in common with other lands, is subject to any incumbrance or annual charge, and the fact of such incumbrance or annual charge affecting only a partial interest in the estate sold, such as a tenancy for life or lesser interest, shall not affect the right to make such vesting order, but the purchase money shall in all cases where the Court shall think fit be paid into Court to abide the farther order of the Court, and shall, for all purposes as regards the rights or claims of any person to or against the estate sold, represent such estate, and unless and so far as the vesting order shall otherwise declare, the rights and claims of all persons in respect of the estate sold, or any incumbrance or annual charge thereon, shall, from the date of such vesting order, be transferred to the purchase money, and the purchaser shall be wholly freed from any liability or claim in respect thereof.

10. In every case in which a holding is sold by the Land Commission to a tenant or other person; also in every case in which a holding is sold by a landlord to a tenant, and it is agreed that such sale shall be carried into effect by a vesting order of the Land Commission, the Land Commission shall have the jurisdiction and powers which are vested in the Land Judges of the Chancery Division of the High Court by the following sections of the Landed Estates Court Act, and those sections shall be incorporated with this Act, as if the Land Commission were therein referred to, and as if the purposes of those sections included the purposes of this Act, that is to say :—

Powers of Land Commission in cases of sale.
21 & 22 Vict. c. 72.

Section 37, relating to the jurisdiction and powers of the Court, so far as may be necessary for enabling the Land Commission to discharge any of the duties imposed on them by this Act.

Sections 64 and 65, relating to the application, retention, and investment of purchase money.

Section 66, relating to the appointment of trustees.

Sections 68 and 69, relating to Crown rent, and quit rent, and incumbrances and charges.

Section 70, relating to the payment of purchase money into Court in certain cases. Money may be paid into Court under that section, in all cases in which the Land Commission think it expedient, and when paid in, may be invested or applied as if it were capital money arising under the Settled Land Act, 1882, and were paid into Court under that Act; or, if the Land Judges so order, as if it were money paid into Court under the said section of the Landed Estates Court Act.

Section 72, relating to apportionment of rent, and in that section the term "rent" shall include a fee-farm rent.

Section 73, relating to persons under disability.

Section 76, relating to the abatement of proceedings.

11. Where land to be sold under this Act is held by tenants in common or rundale or intermixed plots, it shall be lawful for the Land Commission, upon the application of either landlord or tenant, or if it shall seem expedient to the said Land Commission, to make orders for the partition, exchange, or division of such land, and the provisions of the 79th to the 82nd sections inclusive of the Landed Estates Court Act shall apply to such partitions, exchanges, and divisions.

Powers of the Land Commission for the partition of lands held in common, &c.
21 & 22 Vict. c. 72.

12. When the capital money arising from any sale under this Act is retained by the Land Commission, the income thereof shall be paid by them to the vendor or other person entitled thereto.

Appropriation of income and capital money.

The Land Commission shall make orders for the payment of such purchase money to any persons found by the Land Commission to be entitled thereto.

Save as expressly provided by this Act, nothing herein contained shall affect the rights of any incumbrancer, or other person interested in any estate or holding sold, to the capital money arising from such sale.

13. When the tenant for life of any settled land, or a person having the power of a tenant for life, is desirous to sell the land, or any part, to the Land Commission, and there are no trustees of the settlement for the purposes of the Settled Land Act, 1882, or it is expedient that new trustees should be appointed, it shall be lawful for the Land Commission to appoint fit persons to be trustees of the settlement for the purposes of that Act.

Whenever, for the purposes of purchasing any estate for re-sale to the tenants thereof, it appears to the Land Commission expedient so to do, the Land Commission may purchase any land or hereditament held in connexion with such estate or any rent issuing out of it; or may purchase up or obtain the release of any right, easement, charge, or incumbrance affecting it.

14. On every sale, when an advance is made by the Land Commission to the purchaser, the Land Commission shall charge the purchaser with one gross sum, which shall include the advance, the stamp duty on the vesting order or conveyance, if any, made by the Land Commission, and the stamp duty and fees payable for registering such vesting order or conveyance.

The Land Commission shall register in the Registry of Deeds in Dublin all vesting orders and conveyances executed by them under this Act, and shall transmit copies thereof to the clerk of the peace of the county in which the holding is situated for the purpose of local registration.

A landlord negotiating for the sale to the Land Commission of a holding or estate shall furnish the abstract of his title and verify the same to the satisfaction of the Land Commission at his own cost.

No charge shall be made in respect of any investigation by the Land Commission of the title of either the vendor or the purchaser of any holding.

15. Any sale of a holding by the Land Commission under the 30th section of the Land Law (Ireland) Act, 1881, or under any power of sale, may, notwithstanding anything contained in that section, be made subject to the future payment of the annuity payable in respect of such holding, and in that case no part of the proceeds of such sale shall be applied in redemption of the said annuity; but, save as aforesaid, such proceeds shall be applied in the manner provided by that section.

16. When any holding is sold by or at the suit of the Land Commission, the High Court of Justice in Ireland, or the County Court of the county in which such holding is situate, may on the application of any purchaser issue an order to the sheriff to put such purchaser in possession of the holding or part thereof purchased by him, and such order shall be executed by the sheriff in like manner as a writ for the delivery of possession.

Supplemental Provisions.

17. In addition to the three persons named as Commissioners in the Land Law (Ireland) Act, 1881, Her Majesty may, by warrant under the Royal Sign Manual, appoint two other persons to be members of the Irish Land Commission.

Such persons shall continue in office for the period of three years from the date of their respective appointments, and shall each be paid an annual salary of 2,000 *l.*

The provisions of the Land Law (Ireland) Act, 1881, which relate to the members of the Irish Land Commission, other than the Judicial Commissioner, shall apply to each of the persons so appointed, and to every person appointed as hereinafter provided to a vacancy in his office, as if he had been named in the said Act a member of the Land Commission other than the Judicial Commissioner.

Whenever during the said period of three years any vacancy occurs in the office of either of the persons so appointed by his death, resignation, inability to act, or otherwise, or of any person appointed in his place, Her Majesty may,

if she think fit, by warrant under the Sign Manual appoint some fit person to fill such vacancy. The person so appointed shall continue in office only so long as the person in whose place he is appointed would have done.

The additional members of the Land Commission appointed under this Act, shall specially attend to the business imposed upon the Land Commission by this Act. Provided that the Lord Lieutenant may from time to time order that such additional members of the Land Commission shall perform such other duties as they should have performed, if they had been named in the said Land Law (Ireland) Act, 1881, members of the Land Commission other than the Judicial Commissioner.

The additional Commissioners, or either of them, may act in the name of the Land Commission in carrying this Act into effect; and anything done by them, or either of them, shall be as valid and effectual as if it were done by the Land Commission.

Notwithstanding anything hereinbefore contained, any person interested shall be entitled to require that any question of law arising under this Act, may be heard and determined by the Judicial Commissioner sitting with the said additional Commissioners.

Notwithstanding the appointment of additional Land Commissioners under this Act, any matter or thing which under the Land Law (Ireland) Act, 1881, was required to be done by three members of the Land Commission sitting together, may be done by any three members sitting together; and any matter or thing which might lawfully be done under the said Act by three members or any less number, may still be done by any three members or any less number, of the Land Commission.

A barrister-at-law or solicitor shall not be deemed to have retired from practice by reason of his having been appointed and having acted as a Commissioner or Assistant Commissioner under the Land Law (Ireland) Act, 1881, or this Act.

18. For the purpose of carrying this Act into effect, any officer attached to the Land Judges' branch of the Chancery Division of the High Court or to the Court of either of the said Land Judges may, by order of the Lord Chancellor, with his own consent, be transferred to the office of the Land Commission, or may, by virtue of a like order, with the like consent, serve as an officer of the Land Commission; and may discharge such duties under this Act as the Land Commission may assign to him, and may be awarded in either case such remuneration for his services as the Treasury may determine.

Officers of Landed Estates Court may be transferred to or serve as officers of the Land Commission.

19. Whenever either or both of the existing Land Judges of the Chancery Division of the High Court of Justice in Ireland shall die, resign, or otherwise vacate his office, and in the meantime in the case of the illness, absence, or other inability of the said judges, or either of them, to discharge the duties imposed upon them, or either of them by the 75th section of the Supreme Court of Judicature Act (Ireland), 1877, all such duties, or any of them, may be discharged by or under the directions of any judge or judges of the High Court of Justice or any judge or judges of the Court of Bankruptcy, named and assigned for that purpose by the Lord Chancellor, and the Lord Chancellor may from time to time, by order under his hand, name and assign a judge or judges for that purpose; provided that no judge appointed before the passing of this Act shall be so named or assigned without his own consent.

Receivership jurisdiction of the Land Judges.

40 & 41 Viet. c. 67.

20. The Land Commission may from time to time, with the consent of the Lord Lieutenant and the Treasury, appoint or employ such counsel, examiners, solicitors, clerks, and persons as they think necessary for enabling them to carry into effect the provisions of this Act.

Addition to the staff of the Land Commission.

21. Rules for carrying this Act into effect shall be deemed to be rules under the Land Law (Ireland) Act, 1881, and shall be made by the Land Commission accordingly, and forms and tables shall be settled or adapted by the Land Commission for the purposes of this Act.

Rules and forms.

22. Notwithstanding anything contained in the 48th section of the Land Law (Ireland) Act, 1881, to the contrary, any person aggrieved by a decision made on a question of law in proceedings under this Act, may appeal from such decision to the Court of Appeal in Ireland, and so much of the same section as

Appeal, &c.

enacts that nothing therein contained shall authorise the Land Commission to determine any question or to exercise any power of a judge in relation to any purchase of an estate by them, or to the purchase of a holding through the medium of the Land Commission, shall be and is hereby repealed.

23. Whereas certain lessees and tenants of the Commissioners of Church Temporalities in Ireland, referred to in the first paragraph of the 5th sub-section of the 34th section of the Irish Church Act, 1869, purchased parcels of land from the Commissioners under that Act, and a part of the purchase-money was, in some cases, allowed by the Commissioners to remain outstanding, with interest at the rate of four per centum, and was secured to the Commissioners in some cases by a simple mortgage of the property sold, and in other cases by a deed, referred to in this section as an "instalment mortgage," providing for the payment of the principal sum, with interest, by an annuity extending over a term of years:

And whereas under the Irish Church Act Amendment Act, 1881, the Land Commission are the successors of and stand in the place of the Commissioners of Church Temporalities in Ireland, so far as regards such purchases and deeds of mortgage:

And it is expedient that the following provisions should take effect; therefore—

1. The rate of interest made payable by every such simple mortgage as aforesaid shall, from and after a day to be determined by the Land Commission by order, be reduced to a rate of three and one-eighth per centum;
2. Any person liable to pay to the Land Commission the annuity secured by such an instalment mortgage as aforesaid may make application to the Land Commission to accept payment of the amount then remaining due on the security of such instalment mortgage upon the terms hereinafter specified:—

(a.) On such application, the Land Commission shall ascertain, and by order declare, the amount of the principal money which then remains owing to them on the security of such instalment mortgage; and, by the same order, the Land Commission shall declare how many years would then remain unexpired of a term of 49 years, calculated to commence on the day on which the term of years commenced during which the instalments secured by such instalment mortgage were to continue payable;

(b.) The Land Commission shall accept payment of the said sum with interest at the rate of three and one-eighth per cent. by half-yearly instalments of such amount as shall be ascertained and declared by the Land Commission in such order to be required to pay off the said sum with interest at the rate aforesaid, if paid for the residue then unexpired of the said term of 49 years;

(c.) The payment of such instalments shall be secured to the Land Commission by deed, in such form as they may determine, which shall be in substitution for the instalment mortgage, and which shall be exempt from stamp duty;

3. No order shall be made with reference to any debt secured by a simple mortgage unless all interest on that debt due before the making of the order is then paid up;

No order shall be made with reference to any debt secured by an instalment mortgage, unless all instalments due before the making of the order are then paid up;

4. Nothing contained in this section shall apply to any debt due to the Land Commission in respect of any purchase from the Commissioners of Church Temporalities of land held from or under them by virtue of any lease for 21 years, or for three lives or 21 years, or for 40 years, or for three lives, referred to in the last paragraph of the said 5th sub-section of the 34th section of the Irish Church Act, 1869.

24. (1.) For

24. (1.) For the purpose of advances or of purchases of estates by the Irish Land Commission under the Land Law (Ireland) Act, 1881, as amended by this Act, any sum or sums, not exceeding in the whole the sum of 5,000,000 £., may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the said Acts, and such sums may be issued during the period ending on the day on which a further Act providing money for the purpose of such advances or purchases comes into operation.

Grant of 5,000,000 £.
to Land Commission.

(2.) The Treasury may, in the manner and subject to the limitations provided by the said Acts, borrow the sum authorised by this section to be issued out of the Consolidated Fund, or any part of that sum.

25. Nothing contained in this Act shall restrict the powers of the Land Commission under the Land Law (Ireland) Act, 1881.

Saving for 44 & 45
Vict. c. 62.

26. In this Act, unless there is something in the context repugnant thereto—

Interpretation.

The expression "the Landed Estates Court Act" means the Act of the Session of the 21st and 22nd year of the reign of Her present Majesty, chapter 72, intituled "An Act to facilitate the sale and transfer of land in Ireland," as amended by any Act or Acts.

The expressions "the Treasury," "the Lord Chancellor," and the "Land Commission," mean respectively the Commissioners of Her Majesty's Treasury, the Lord High Chancellor of Ireland, and the Irish Land Commission.

Other expressions have the same meanings respectively as in the Land Law (Ireland) Act, 1881.

The expression "tenant" shall include a tenant holding under a fee farm grant.

LAND LAW (IRELAND) ACT, 1887.

[50 & 51 VICT. CH. 33.]

PART II.

CHAPTER 33.

AN ACT to amend the Land Law (Ireland) Act, 1881, and the Purchase of Land (Ireland) Act, 1885, and for other purposes connected therewith.

[23 August 1887.]

Purchase of Land.

10. A guarantee deposit made under the Purchase of Land (Ireland) Act, 1885, may, on the application of the person by whom the deposit was made, or of any person for the time being interested in it, be invested by the Land Commission in the same investments in which it might have been invested under the direction of the High Court, if it had been capital money arising under the Settled Land Act, 1882, and paid into court, or in any securities in which trustees are by law for the time being authorised to invest trust moneys; and the interest thereof may be paid by the Land Commission to the person entitled thereto.

Investment of
guarantee deposit.
45 & 46 Vict. c. 73.

45 & 46 Vict. c. 36.

11. On the occasion of the sale of any holding under the Purchase of Land (Ireland) Act, 1885, any person in whom any incumbrance charged upon the land constituting or comprising such holding is vested as a trustee, also any person who is a trustee for sale thereof, may apply any moneys, being the proceeds of the sale, coming to him as such trustee for a guarantee deposit under the said Act.

Trust funds may
be applied as a
guarantee deposit.

Case where incumbrance is charged on several estates.

12. In any case in which, upon the sale of a holding under the said Act, any money, being the proceeds of such sale, coming to an incumbrancee upon such holding in respect of his incumbrance, are applied by him for the purposes of a guarantee deposit under the said Act, then if such incumbrance affect not only the said holding but also other lands, the Commission may by order declare that such incumbrance shall, to the extent of the moneys so applied as a guarantee deposit, continue to be a charge upon such other lands in the same priority as it possessed before such sale; provided, however, that such order shall not be made unless the Commission be satisfied that all persons in whom incumbrances upon such other lands pertain to the said incumbrance are vested, consent thereto, and for the purposes of this section, all such persons, whether the incumbrances be vested in them as trustees or otherwise, may give such consent.

Provided also, that the Commission may, by the same or any other order, dispense with the consent of any such person or persons in any case in which, having due regard to the rights and interests of all parties concerned, it shall appear to them expedient to do so.

Duty of Land Commission with respect to enforcement of orders.

13. The Land Commission shall not make an order under the third section of the Purchase of Land (Ireland) Act, 1885, declaring any sum due to them in respect of an advance secured by a guarantee deposit under that Act to be an irrecoverable debt until they have first attempted to enforce the payment of that sum by action or civil bill process, where there appears to be a reasonable probability of the debt being recoverable by such proceedings. In addition to any other remedy provided by the Land Law (Ireland) Acts, every annuity payable thereunder to the Land Commission, whether created before or after the passing of this Act, shall be recoverable by the Land Commission in the manner in which rentcharges in lieu of titles are recoverable in Ireland.

Expediting proceedings on sales.

14. When an agreement has been made between a landlord and a tenant for the sale of a holding, and the Land Commission are satisfied that the landlord and the tenant are *prima facie* entitled to carry such agreement into effect, and the Land Commission have agreed to make an advance under the Land Law (Ireland) Acts, the following enactments for facilitating the completion of the sale shall apply:—

- (1.) The Land Commission may, if they think fit, pay into the Bank of Ireland the whole or any part of the amount of the advance to such credit as they may direct, and in any case where the tenant provides any portion of the purchase-money may cause the same to be paid to the like credit, and may by order declare that the claims of all persons (except the tenant and persons claiming under him) who are interested in the land sold, whether as incumbrancees or otherwise, shall attach to the purchase-money of such land in like manner as immediately before the sale they attached to the land, and shall cease to be of any validity as against the land, and subject as in this Act mentioned shall be discharged or redeemed out of the purchase-money, and the Land Commission shall determine the rights and priorities of the landlord and such other persons, and shall distribute the purchase-money in accordance with such rights and priorities. Where the purchase-money or any part of it is not immediately distributable, or the persons entitled thereto are not ascertained, or where from any other cause the Land Commission think it expedient for the protection of the rights of the persons interested, then the Land Commission shall, as the case requires, either retain the same under their control, or deal with the same in the manner provided by the Settled Land Act, 1882, with respect to capital money arising under that Act, and may by order declare the trusts affecting such money or share, so far as the Land Commission have ascertained the same, or state the facts or matters found by them in relation to the rights and interests therein; and the Land Commission may from time to time make such orders in relation to any purchase-money or share, and the investment or application thereof, or the payment thereof, or the annual income thereof to the persons interested, as the circumstances of the case may require.

(2.) The

(2.) The Land Commission may at or after the time of making such order as above mentioned, and notwithstanding that it may have been agreed that the sale shall be carried into effect by means of a conveyance, exercise the powers contained in section nine, subsection five, of the Purchase of Land (Ireland) Act, 1885.

48 & 49 Vict. c. 73.

(3.) Any person in occupation of and paying for a holding which is held under a contract of tenancy, shall have power to enter into an agreement for the purchase thereof. Where a holding shall be conveyed to or vested in any such person, the interest thereby assigned to him shall be deemed to be a graft upon the previous interest of the tenant in such holding, and shall be subject to any rights or equities arising from its being such graft.

15.—(1.) When any land sold under the Land Law (Ireland) Acts is subject with other lands to any Crown rent, quitrent, or tithe rentcharge, the Land Commission may, if they think it expedient, apportion such Crown rent, quitrent, or tithe rentcharge, between the land sold and the other land, in such manner as to them seems equitable; and when any such land is subject with other lands to any land improvement charge or drainage charge, the Commissioners of Public Works, on the requisition of the Land Commission, may apportion the same between the land sold and other lands, and may issue a certificate setting forth such apportionment.

Crown rents, quitrents, and tithe rentcharge.

Upon any apportionment being made under this section, such portion of the rent or rentcharge or charge as is apportioned to the land sold shall alone be deemed to be the Crown rent, quitrent, tithe rentcharge, or drainage charge chargeable on the land sold.

(2.) The Land Commission may, if they think it expedient, order the redemption of any Crown rent, quitrent, or tithe rentcharge, or any apportioned part thereof, at a price to be fixed by the Land Commission. They may also, if they think it expedient, order the redemption of any land improvement charge or drainage charge, or apportioned part thereof, in accordance with the scale fixed by the statutes in that behalf.

(3.) No such apportionment or redemption of Crown or quitrent shall be made without the previous consent of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and no such apportionment or redemption of land improvement charges or of drainage charge payable to the Commissioners of Public Works, or redemption of tithe rentcharge payable to the Land Commission, shall be made without the previous consent of the Commissioners of the Treasury.

For the purpose of this section, the Commissioners of the Treasury may from time to time make rules for regulating the mode of giving consents, and the terms upon which consents shall be given.

When any such land sold is subject with other lands to any incumbrance as defined by this Act, the Land Commission may, if they think it expedient, require the persons entitled to such incumbrance to accept the money advanced for the purchase of the land sold in part discharge of the incumbrance, and the Land Commission may, if they think it expedient and just so to do, by order declare the land sold to be discharged of all incumbrances, and upon the making of such order the incumbrances therein mentioned shall cease to be a charge upon such land.

16.—(1.) When any land sold under the Land Law (Ireland) Acts is subject with other lands to any annuity or rentcharge, the Land Commission may, if they think it expedient, by order apportion the same as between such land and the other lands subject thereto, and thereupon such part of the annuity or rentcharge as is apportioned on the land to be sold shall alone be deemed to be the annuity or rentcharge chargeable on such land.

Apportionment and redemption of annuities and charges.

(2.) When the Land Commission exercise the power of apportionment conferred on them by this section, and also when the Land Commission exercise the power of apportionment of rent conferred on them by the 72nd section of the Landed Estates Court Act, as extended by the 10th section of Purchase of Land (Ireland) Act, 1885, then the part of an annuity, rentcharge, or rent which is apportioned upon any land sold shall cease to be a charge

charge upon the land, and shall be transferred to the purchase-money thereof; the last-mentioned power of apportionment may be exercised in any case notwithstanding that it may have been agreed that the sale shall be carried into effect by means of a conveyance.

(3.) The Land Commission shall, on the application of the person entitled to a part of an annuity, rentcharge, or rent, which part shall have been apportioned by them upon land sold, and may, if they think it expedient, without such application, order the redemption of such annuity, rentcharge, or rent, or of an apportioned part thereof, and may, notwithstanding the fact that no apportionment has been made, order the redemption of any annuity, rentcharge, or rent affecting land sold, at a price to be fixed by agreement between the parties, or to be determined by the Land Commission, if the parties consent that the Land Commission should determine it, or if they do not consent, then to be settled by arbitration in the manner provided by the 25th section and the schedule of the Landlord and Tenant (Ireland) Act, 1870; the award of the Court of Arbitrators shall be recorded in the Court of the Land Commission, and the provisions relating to the Civil Bill Court, in the said schedule contained, shall for the purposes of this section, be taken to apply to the Land Commission.

A person who is tenant for life of an estate in any annuity, rentcharge, or rent to which this section applies, or who has, as respects such annuity, rentcharge, or rent, the power of a tenant for life within the meaning of the Settled Land Act, 1882, shall be deemed to be a person entitled thereto; and if such annuity, rentcharge, or rent is redeemed under this section, the purchase-money shall be dealt with as capital moneys arising under the said Act.

17. No advances shall be made by the Land Commission to any one purchaser of land under the Land Law (Ireland) Acts exceeding the sum of 5,000 £. in all.

18.—(1.) Every advance made by the Land Commission under the Land Law (Ireland) Acts shall be secured by an order of the Land Commission declaring the land upon which such advance is made to be charged with the repayment of the advance with interest in such manner as the order may direct. In case any interest or instalment mentioned in such order, or in any order made by a land judge of the Chancery Division of the High Court of Justice in Ireland, under the provisions of the Land Law (Ireland) Acts, shall be in arrear for the space of 40 days after the time the same might be paid, it shall be lawful for the Land Commission to exercise the powers of sale and other powers conferred upon mortgagees by Sections 19, 21, and 22 of the Conveyancing and Law of Property Act, 1881, so far as the same is applicable. The Land Commission shall apply the moneys arising upon any such sale in manner provided by Section 15 of the Purchase of Land (Ireland) Act, 1885.

(2.) Section 34, Sub-section 3, of the Land Law (Ireland) Act, 1881, and Sub-section (c) of Section 4, of the Purchase of Land (Ireland) Act, 1885, shall be and the same are hereby repealed.

19. Where an absolute order for the sale of land is made by a judge of the Chancery Division of the High Court of Justice in Ireland, and a receiver has been appointed, it shall be lawful for a judge of the said division to make, upon such terms as he thinks fit, a temporary abatement in the rent or a remission of a part of the arrears of rent, due from a tenant of a holding on such land, if, having regard to all the circumstances of the case and to the interests of the parties, owners, petitioners, or incumbrancers consenting or refusing to consent thereto, he thinks it just and expedient so to do.

20. Every annuity payable in respect of any advance made either before or after the passing of this Act to enable a tenant to purchase a holding under the Land Law (Ireland) Acts, shall be a charge on the holding subject thereto, having priority over all existing and future estates, interests, and incumbrances created either by the landlord or the tenant, or their respective predecessors in title, and whether before or after the making of the advance with the exception of quitrent and other charges incident to the tenure, rentcharges in lieu of tithes, and any charges created under any Acts authorising advance of public money, or under any Act creating charges in respect of improvements on lands and passed before this Act, and with the exception also (in cases where lands are subject to a fee-farm rent or held under

a lease

a lease reserving rent) of such free-farm rent or rent reserved as aforesaid. Every such annuity payable to the Land Commission shall be payable in equal half-yearly payments on the 1st day of May and the 1st day of November in each year. The first half-yearly payment of any such annuity shall, where the advance is not made on one of the said gale days, be due and paid on the second of such gale days after the date of the advance, and together with such first half-yearly payment there shall be due and paid an additional sum for interest on the advance at the rate of three and one-eighth per centum per annum from the date of the advance until the first gale day next after that date. A certificate purporting to be under the seal of the Land Commission, or the Commissioners of Public Works, as the case may be, shall be evidence that the amount of any annuity or arrears of annuity stated therein to be due under any of the said Acts in respect of any holding named therein, is due to the Land Commission or the Commissioners of Public Works, as the case may be, in respect of such holding.

21. When any holding is sold by or at the suit of the Land Commission, the Land Commission may, on the application of any purchaser, issue an order to the sheriff to put such purchaser in possession of the holding, or part thereof, purchased by him, and such order shall be executed by the sheriff in like manner as a writ for the delivery of possession. Writ of possession.

22. When either before or after the passing of this Act a sale of a holding has been agreed to be made by a landlord to a tenant, and an application for an advance to enable the tenant to buy the holding has been sanctioned by the Land Commission, either party to the agreement for sale may apply in a summary manner to the Land Commission to decree the specific performance of the agreement; and the Land Commission shall have all such jurisdiction and authority to decide upon such application and to make a decree for specific performance as are vested in the Chancery Division of the High Court of Justice in Ireland, for the like purposes, subject to the like appeal as in the case of other orders made by the Land Commission. Specific performance.

23. That paragraph of Section 10 of the Purchase of Land (Ireland) Act, 1885, which incorporates Section 70 of the Landed Estates Court Act, shall be amended by the substitution of the words "Land Commission," for the words "Land Judges," occurring therein, and the power of appointing new trustees given by the 13th Section of the Purchase of Land (Ireland) Act, 1885, shall extend to all cases in which it may be necessary to appoint new trustees for the purposes of any sale under the Land Law (Ireland) Acts. Amendments of 46 & 47 Vict. c. 73, sects. 10 and 13.

24. Whereas by Section 44 and Section 45 of the Landlord and Tenant (Ireland) Act, 1870, and by Sub-section 3 of Section 1 of the Landlord and Tenant (Ireland) Act, 1872, the Commissioners of Public Works in Ireland (in this Act referred to as the Commissioners of Works) were authorised to agree to advance to a tenant purchasing his holding a sum not exceeding two-thirds of the value of the holding, and such advance is to be repaid by a charge made by virtue of the said sections, or by a security from the tenant of an annuity of 5 l. for every 100 l. of such advance, payable to the Commissioners of Works for 35 years; Reduction of interest on loans under 53 & 54 Vict. c. 65, sects. 44, 45; 35 & 36 Vict. c. 32, s. 1.

And whereas in calculating such annuity, interest was reckoned at the rate of 3½ per centum per annum, and it is expedient to reduce the annual amount of the annuity by reducing the rate of interest and extending the term of the annuity; Be it therefore enacted as follows:—

- (1.) As from the gale day next after the passing of this Act, any annuity charged on a holding under Section 44 or Section 45 of the Landlord and Tenant (Ireland) Act, 1870, or Section 1 of the Landlord and Tenant (Ireland) Act, 1872, shall (save as hereinafter mentioned) be reduced from 5 per centum to 4 per centum on the amount of the advance; and shall be payable for such term as the Commissioners of Works may by order declare to be necessary for the repayment, with interest at 3½ per centum per annum, of so much of the advance as has not accrued due for payment on the said gale day, and the order shall, as soon as may be after the passing of this Act, be made and notified by post or otherwise, in manner directed

directed by the said Commissioners, to the person appearing to them to be the person paying the annuity :

- (2.) Provided that the said Commissioners may in any case in which they think the special circumstances justify so doing, grant such extension of the term as they think just, so that the term shall not in any case exceed 49 years from the date of the advance, and shall adjust the annuity and vary the order accordingly.
- (3.) Where on the gale day next after the passing of this Act there are unpaid arrears of instalments of the annuity in excess of the instalment due on the said gale day, this section shall not apply to such annuity except upon such order of the Commissioners of Her Majesty's Treasury (in this Act referred to as "the Treasury") as hereinafter mentioned.
- (4.) Where the Treasury are satisfied upon the report of the Commissioners of Works that in the case of the purchaser of a holding whose instalments are so in arrear, the special circumstances are such that it is equitable to apply the provisions of this section to such purchaser, and to make such provision, as hereinafter mentioned for the arrears, the Treasury may, if they think fit, order that on payment within the time limited by the order of a portion of the arrears, not being less than the amount of the instalments of the annuity for six months, if so much be due, the remainder of the arrears shall be repayable by such addition to the amount of the annuity for repaying the advance as will repay the said remainder with interest at the rate of $3\frac{1}{2}$ per centum per annum within the period at which the last-mentioned annuity will, by virtue of this Act or otherwise, terminate, and upon such order being made and portion of arrears paid, this section shall apply, and the Commissioners of Works shall make an order accordingly, and by such order charge the holding with the addition to the annuity for the repayment of arrears, and such charge shall have the same priority as the charge on the holding of the annuity in arrear.
- (5.) An order of the Commissioners of Works under this section shall be deemed, according as the case requires, to form part of the order under Section 44 or Section 45 of the recited Act, or of the security or deed charging the annuity.

Reduction of interest paid on mortgages held by the Irish Land Commission as successors of the Commissioners under 32 & 33 Vict. c. 42, and the Church Temporalities Commissioners.

25. Whereas in pursuance of Section 52 of the Irish Church Act, 1869, the Commissioners acting under that Act credited the purchasers of land, or interests in land, with part of the purchase-money on having security for payment of the same, and the sums so credited to purchasers, or many of them, are now mortgage debts due to the Irish Land Commission as the successors of the Commissioners acting under that Act, and are secured in some cases by a simple mortgage, and in other cases by an instalment mortgage providing for the payment of the principal sum with interest by instalments extending over a term of years (which instalments with the interest are in this section referred to as the instalments) :

And whereas the rate of interest on such mortgages was calculated at not less than 4 per centum per annum, but has been in some cases reduced to $3\frac{1}{2}$ per centum per annum by an order of the Irish Land Commission, under Section 23 of the Purchase of Land (Ireland) Act, 1885, and it is expedient to provide in other cases for the like reduction in manner provided by this section: Be it therefore enacted as follows :

- (1.) As from the gale day next after the passing of this Act, or any later date specified in an order under this section, the annual amount payable to the Irish Land Commission in respect of any such instalment mortgage as above-mentioned shall, save as hereinafter mentioned, be reduced by such amount as is necessary to reduce the rate of interest from 4 to $3\frac{1}{2}$ per centum per annum, and the term may be extended by the Irish Land Commission, so that it do not exceed 49 years from the date of the mortgage.

(2.) As

- (2.) As from the gale day next after the passing of this Act, or any later date specified in the order hereinafter mentioned, the annual amount payable to the Irish Land Commission in respect of any such simple mortgage as above mentioned, shall, save as hereinafter mentioned, be at the rate for interest of $3\frac{1}{2}$ per centum, and for repayment of principal of $\frac{1}{2}$ per centum on the amount of principal due under such mortgage on the said day, and such amount shall be payable by half-yearly payments on the days on which the interest in the said mortgage is payable, and for 49 years from the said day, and the mortgage shall then, except for the purpose of recovering arrears, determine.
- (3.) An order of the Irish Land Commission fixing the annual amount and the term of years shall, as soon as may be after the passing of this Act, be made and notified by post, or otherwise in manner directed by the Irish Land Commission, to the person for the time being paying the interest on any simple, or the instalment on any instalment mortgage, or otherwise appearing to the Commission to be liable to pay the same :
- (4.) Provided that the Irish Land Commission may in any case in which they think the special circumstances justify so doing, grant such variation of the term as they think just, and may vary the order accordingly, so that the term shall not in any case exceed 49 years from the date of the mortgage.
- (5.) Where on the gale day next after the passing of this Act there are unpaid arrears in respect of interest under any simple mortgage, or instalments under an instalment mortgage, over and above half-yearly payments due on the said gale day, this section shall not apply to such mortgage except that if the Treasury on the report of the Land Commission are satisfied that it is equitable to apply this section to any such mortgage—
- (a.) The Treasury may order that on payment within a period fixed by the order and notified in like manner as above provided of a portion of the said arrears, being not less than the amount of interest or instalments due for six months, if so much be due, the remainder of the arrears shall be repaid by such addition to the periodical instalments as will be sufficient to pay the said remainder with interest at the rate of $3\frac{1}{2}$ per centum per annum by the expiration of the period at which the mortgage, by virtue of this Act or otherwise, will cease ; and
- (b.) Upon such order being made and portion of arrears paid, this section shall apply, and the Irish Land Commission shall make an order under this section with reference to such mortgage as if all arrears of interest and instalments required to be paid before the making of the order were paid, and such order shall also provide for such additions to the mortgage as above mentioned.
- (6.) Any order of the Irish Land Commission under this section, also any order purporting to be made by such Commission in pursuance of Section 23 of the Purchase of Land (Ireland) Act, 1885, whether before or after the passing of this Act, shall have effect as if the mortgage referred to in the order were modified in the manner provided by the order, and if the order provides for an addition to the debt in pursuance of this section as if the mortgage included that addition, and no addition so made shall have the same priority as the debt created by the mortgage, and any such order shall be binding on all persons interested in the equity of redemption of such mortgage.
- (7.) Nothing in this section shall apply to a mortgage as to which an order has been made under Section 23 of the Purchase of Land (Ireland) Act, 1885, before the passing of this Act.
- (8.) Nothing

- (8.) Nothing in this section shall apply to the purchasers of perpetuity rents.

Release of
forfeiture incurred
by purchaser to
whom money
advanced.
25 & 26 Vict. c. 23,
ss. 44, 45.

26. Whenever a holding has, either before or after the passing of this Act, become forfeited to the Commissioners of Works, under Section 44 or 45 of the Landlord and Tenant (Ireland) Act, 1870, and a legal proceeding in respect of such forfeiture has either not been taken by the said Commissioners, or if taken, has been abandoned, they may, with the consent of the Treasury, if it seem fit, after notice to all persons appearing to the Commissioners of Works to be concerned, order that the holding shall be released from the forfeiture as from the date at which it accrued, and shall vest in the person named in the order discharged from all claims on account of the alienation, sub-letting, or other act, on account of which the forfeiture was incurred.

Such order shall have full effect and be binding on all persons interested in the holding; and the holding, after the date thereof, shall cease to be subject to the conditions imposed by the sections above in this section mentioned, and shall be subject to the conditions imposed by Section 30 of the Landlord and Tenant (Ireland) Act, 1881, and that section shall apply with the substitution of the Commissioner of Works for the Land Commission.

Reduction of
interest on loans
under 44 & 45
Vict. c. 23.

27. Whereas under the Landlord and Tenant (Ireland) Act, 1870, and the Landlord and Tenant (Ireland) Act, 1872, as amended by Section 35 of the Land Law (Ireland) Act, 1881, and under Section 24 and under Section 26 of the Land Law (Ireland) Act, 1881, the Irish Land Commission were authorised to advance to a tenant purchasing his holding a sum not exceeding such proportion of the purchase-money as is therein mentioned, and such advance is to be repaid by a charge made by virtue of the said sections, or by a security from the tenant of an annuity of 5 *l.* for every 100 *l.* of such advance, payable to the Irish Land Commission for 35 years;

And whereas, in calculating such annuity, interest was reckoned at the rate of 3½ per centum per annum, and it is expedient to reduce the annual amount of the annuity by reducing the rate of interest and extending the term of the annuity, be it therefore enacted as follows:

- (1.) As from the first gale day next after the passing of this Act any annuity charged on a holding for the repayment of an advance made in pursuance of Section 35 of the Land Law (Ireland) Act, 1881, or the Acts in that section mentioned or made in pursuance of Section 24 or Section 26 of the Land Law (Ireland) Act, 1881, shall (save as hereinafter mentioned) be reduced from 3 per centum to 4 per centum on the amount of the advance; and shall be payable for such term as the Irish Land Commission may by order declare to be necessary for the repayment, with interest at 3½ per centum per annum, of so much of the advance as has not accrued due for payment on the said gale day; and the order shall, as soon as may be after the passing of this Act, be made and notified, by post or otherwise, in manner directed by the said Commissioners to the person appearing to them to be the person paying the annuity:
- (2.) Provided that the said Commission may, in any case in which they think the special circumstances justify so doing, grant such extension of the term as they think just, so that the term shall not in any case exceed 49 years from the date of the advance, and shall adjust the annuity and vary the order accordingly.
- (3.) Where on the gale day next after the passing of this Act there are unpaid arrears of instalments of the annuity in excess of the instalment due on the said gale day, this section shall not apply to such annuity except upon such order of the Treasury as hereinafter mentioned.
- (4.) Where the Treasury are satisfied upon the report of the Irish Land Commission that in the case of the purchaser of a holding whose instalments are so in arrear the special circumstances are such that it is equitable to apply the provisions of this section to such purchaser, and to make such provision as hereinafter mentioned for the arrears, the Treasury may, if they think fit, order that on payment, within the

time

time limited by the order, of a portion of the arrears, not being less than the amount of the instalments of the annuity for six months if so much be due, the remainder of the arrears shall be repayable by such addition to the amount of the annuity for repaying the advance as will repay the said remainder with interest at the rate of 3½ per centum per annum within the period at which the last-mentioned annuity will by virtue of this Act or otherwise terminate; and upon such order being made, and portion of arrears being paid, this section shall apply, and the Irish Land Commission shall make an order accordingly, and by such order charge the holding with the addition to the annuity for the repayment of arrears, and such charge shall have the same priority as the charge on the holding of the annuity in arrear.

- (5.) An order of the Irish Land Commission under this section shall be deemed, according as the case requires to form part of the order under the sections of the recited Acts, or of the security or deed charging the annuity.

28. Where any sum is due to the Irish Land Commission or to the Commissioners of Public Works in respect of any advance made to, or purchase money due from, the purchaser of any land or interest in land, and is unpaid for the space of not less than six months after the same has become due, the Irish Land Commission or Commissioners of Public Works, as the case may be, may give a certificate of the amount so due, and such certificate shall be evidence in the same manner as a certificate under Section 49 of the Landlord and Tenant (Ireland) Act, 1870.

Certificate of sums due.

PURCHASE OF LAND (IRELAND) AMENDMENT ACT, 1888.

[51 & 52 VICT., CH. 49.]

CHAPTER 49.

AN ACT further to facilitate the Purchase of Land in Ireland by increasing the amount applicable for that purpose by the Land Commission.

[24th December 1888.]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Section 2, Sub-section (c), of the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same, shall be read and construed as if the words "ten million pounds" were substituted for the words "five million pounds" in the said Sub-section; and the money required for the purpose of advances under the said Acts as amended by this Act shall be advanced out of the Local Loans Fund, in accordance with the National Debt and Local Loans Act, 1887.

Increase of limit of advances by Irish Land Commission, and provision therefor.

50 & 51 Vict. c. 10.

2. No advance shall be sanctioned by the Land Commission to any one purchaser of land under the Purchase of Land (Ireland) Act, 1885, or the Acts amending the same, exceeding the sum of 3,000 £, unless in the opinion of the Land Commission the advance of such larger amount (not exceeding 5,000 £) is expedient for the purpose of carrying out sales on the estate of the same landlord.

Limitation of advances.
45 & 49 Vict. c. 75.

The approval of the Commissioners to the sanction of any advance shall be signified by an order as to date on which such approval was made, and from and after such date the vendee, in the event of the sale being carried out, shall be

Relation of landlord and tenant determined by approval of advance.

be discharged from all liability to the vendor in respect of any liabilities affecting the holding, including all rent and arrears existing at the date of the agreement for sale between the landlord and tenant. Provided that, notwithstanding anything in this section expressed, the vendor shall be entitled to recover from the vendee interest in lieu of rent for the period which may elapse between the date of signing the agreement for sale and the date of the completion of the sale by the Land Commission, unless the parties shall have otherwise agreed.

Subletting. 4. Where the Land Commissioners shall after the passing of this Act sanction an advance for the purchase of a holding which is agreed to be sold subject to a sub-tenancy or subletting of any kind, they may prescribe such terms as to rent and otherwise with regard to the part sublet as they think fit.

Notice to be given when the existing fund will be exhausted. 5. When, in the opinion of the Land Commissioners, the applications for advances will exhaust the amount provided by this Act, it shall be their duty to give public notice of the same, and of their intention to receive no further application until there be some undisposed of residue, or till further provision be made by Parliament.

Notice of completed transactions. 6. The Land Purchase Commissioners shall publish in the next "Dublin Gazette" notice of any completed transactions.

Short title. 7. This Act may be cited for all purposes as the Purchase of Land (Ireland) Amendment Act, 1888.

PURCHASE OF LAND (IRELAND) AMENDMENT ACT, 1889.

[52 & 53 VICT. CH. 13.]

CHAPTER 13.

AN ACT to amend the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same.

[24th June 1889.]

Whereas in some cases it is desirable to enable tenants about to purchase, under the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same, to increase the size of their holdings by purchasing additional lands which are reasonable adjuncts to such holdings:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, and by the authority of the same, as follows:

1. Where the sale of a holding is about to be made by a landlord to a tenant under the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same, and such tenant is desirous of purchasing additional land which either adjoins such holding or is in the opinion of the Land Commission under the special circumstances of the case reasonably required for the suitable and convenient use and enjoyment of such holding, the Land Commission may, if it thinks fit, advance to the tenant, for the purpose of purchasing such additional land, the principal money, to be paid in like manner as if the purchaser had been tenant of such additional land at the time of the purchase and was about to purchase the same under the said Acts, and the provisions of the said Acts shall apply to the sale of additional land under this Act in like manner as if the purchaser had been the tenant of such land at the time of the purchase.

Provided always, that nothing in this Act contained shall authorise the making to any one tenant of a larger advance than that which the Land Commission is authorised to sanction to any one purchaser of land under the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same.

Land Commission may advance money to tenants to purchase lands to increase the size of their holdings.

45 & 46 Vict. c. 73.

2. Where the vendor is a tenant for life, or a person having the power of a tenant for life within the meaning of those expressions as used in the Settled Land Act, 1882, such vendor shall have all the powers given to the landlord by Section 6 of the Purchase of Land (Ireland) Act, 1885, and all the provisions of such section shall apply to the sale.

Application of
40 & 41 Vict. c. 73,
s. 6.

This section shall apply to the trustees of a settlement in the same manner as it applies to a tenant for life.

3. No advance shall be made by the Land Commission to any one purchaser for the purpose of purchasing over ten acres of land under this Act, unless in cases where the land purchased under this Act is valued under the Acts for the valuation of rateable land in Ireland at an annual sum not exceeding 10 £.

Additional land not
to exceed 10 acres
or 10 £ a year
Government value.

4. Rules for carrying this Act into effect shall be deemed to be rules under the Land Law (Ireland) Act, 1881, and shall be made by the Land Commission, and forms and tables shall be made or adapted by the Land Commission for the purposes of this Act.

Power to make
rules.

5. The Purchase of Land (Ireland) Act, 1885, the Land Law (Ireland) Act, 1887, and the Purchase of Land (Ireland) Amendment Act, 1888, except so far as the same respectively are expressly altered or varied by this Act or are inconsistent therewith, and this Act, shall be construed together as one Act.

Construction of
Acts.

6. This Act may be cited for all purposes as the Purchase of Land (Ireland) Amendment Act, 1889.

Short Title.

LAND PURCHASE ACTS (IRELAND).

COPIES of LAND PURCHASE ACTS as defined by
the PURCHASE OF LAND AND CONGESTED DISTRICTS
(IRELAND) BILL.

(*Mr. Arthur Balfour.*)

Ordered, by The House of Commons, to be Printed,
16 April 1891.

[*Price 4½d.*]

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